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WILLIAM IV.

33° VICTORIÆ, 1870.

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TO

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First Volume of the Session.

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VOLUME CXCIX.

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Navy—Generals of Marines — Question, Colonel French; Answer, Mr. Childers 433
Spain and Portugal — Treaties of Commerce — Question, Mr. Akroyd; Answer, Mr. Otway 434
Marriage with a Deceased Wife's Sister Bill—Question, Mr. Beresford Hope; Answers, Mr. T. Chambers, Mr. T. Collins 434
Interruption of Telegraphs—Question, Mr. Baines; Answer, The Marquess of Hartington 436

Elementary Education Bill—

Motion for Leave (*Mr. W. E. Forster*) 438
After long debate, Motion *agreed to* :—Bill to provide for public Elementary Education in England and Wales, *ordered* (*Mr. William Edward Forster*, *Mr. Secretary Bruce*); *presented*, and read the first time [Bill 33.]

Mortgages Bill—

Motion for Leave (*Mr. Dodds*) 498
Motion *agreed to* :—Bill to facilitate the re-vesting of Mortgaged Estates in Mortgagors, *ordered* (*Mr. Dodds, Mr. Pease, Mr. Bolckow, Mr. Wren-Hoskyns*); *presented*, and read the first time [Bill 35.]

Salmon Fisheries—

Select Committee *appointed*, "to inquire into the present state of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein,"—(*Mr. Dodds*) 499
And, on February 25, Committee *nominated* :—List of the Committee.
Oyster and Mussel Fisheries Supplemental Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. John Bright*); *presented*, and read the first time [Bill 34] 499

LORDS, FRIDAY, FEBRUARY 18.

India—The 21st Fusiliers—Indian Reliefs—Observations, Question, Earl De La Warr; Reply, Lord Northbrook 499

Judges' Jurisdiction Bill—
A Bill to extend the Jurisdiction of the Judges of the Superior Courts of Common Law at Westminster; *presented* (*The Lord Chancellor*) .. 504
After debate, Bill read 1ª (No. 10.)

COMMONS, FRIDAY, FEBRUARY 18.

South Sea Islanders—Question, Mr. P. A. Taylor; Answer, Mr. Monsell 527
The Farmers' Estate Society—Question, Mr. Henley; Answer, Mr. Gladstone 529
Unrestricted Competition in the Civil Service—Question, Mr. Sinclair Aytoun; Answer, Mr. Gladstone 529
Turnpike Accounts—Question, Mr. Hardcastle; Answer, Mr. Knatchbull-Hugessen 530
Army—Soldiers and the Telegraphs—Question, Mr. Hanbury Tracy; Answer, Captain Vivian 530
Savings Banks Securities—Question, Mr. Scourfield; Answer, The Chancellor of the Exchequer 531
Income Tax—Question, Mr. Whalley; Answer, The Chancellor of the Exchequer 531
Marriage with a Deceased Wife's Sister Bill—Question, Mr. T. Collins; Answer, Mr. T. Chambers 532
The Red River Settlement—Question, Mr. Monsell; Answer, Mr. R. N. Fowler 532
Savings Banks Bill, &c.—Question, Mr. Cross; Answer, The Chancellor of the Exchequer 532
O'Donovan Rossa—Question, Captain White; Answer, Mr. Bruce .. 533
Public Prosecutor—Question, Mr. Eykyn; Answer, Mr. Bruce .. 533

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Diplomatic and Consular Services—Resolution—
Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the expenditure upon the Diplomatic and Consular Services may be reduced, and it is expedient for the promotion of efficiency and economy to transfer the control of the Consular Department from the Foreign Office to the Board of Trade,"—(*Mr. Holms,*)—instead thereof 533

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

Turnpike Tolls—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of any Correspondence or other Documents explanatory of the necessity for the annual Turnpike Acts Continuance Bill, either generally as to all expired Turnpike Acts, or specially as to those relating to the Wrexham district,"—(*Mr. Whalley,*)—instead thereof .. 551

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment and Original Question, by leave, *withdrawn:*—Committee *deferred* till *Monday* next.

East India (Laws and Regulations) Bill [Bill 27]—
Moved, "That the Bill be now read a second time,"—(*Mr. Grant Duff*) 556
After short debate, Motion *agreed to:*—Bill read a second time, and *committed* for *Monday* 28th February.

Poor Relief (Metropolis) Bill—
Motion for Leave (*Mr. Goschen*) 567
After short debate, Motion *agreed to:*—Bill to provide for the more equal distribution over the Metropolis of a further portion of the charge for Poor Relief, *ordered* (*Mr. Goschen, Mr. Arthur Peel*); *presented,* and read the first time [Bill 36.]

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ABYSSINIAN EXPEDITION—

Select Committee *appointed*, "to inquire into the causes of the great excess of cost in prosecuting the war with Abyssinia over the estimate submitted to Parliament:"—Committee to consist of nineteen Members:—Committee *nominated*:—List of the Committee 583

Railway Travelling Bill—*Ordered* (*Mr. Plimsoll, Mr. Alderman Carter, Mr. Richard Shaw, Mr. Rylands, Mr. Candlish*); *presented*, and read the first time [Bill 37] ... 583

LORDS, MONDAY, FEBRUARY 21.

The House met;—and having gone through the Business on the Paper, without debate—House adjourned.

COMMONS, MONDAY, FEBRUARY 21.

"FACTORY DISCIPLINE"—CASE OF HANNAH ANDREWS—Question, Mr. Stapleton; Answer, Mr. Bruce 584

MERCHANT SEAMEN—THE "GREENWICH SIXPENCE"—Question, Mr. Ward Jackson; Answer, Mr. Shaw Lefevre 585

LICENSING AMENDMENT BILL—Question, Mr. Carter; Answer, Mr. Bruce .. 586

UNSEASONABLE SALMON—Question, Mr. Malcolm; Answer, Mr. Bruce .. 586

REPORT ON CATTLE PLAGUE—Question, Lord Robert Montagu; Answer, Mr. W. E. Forster 587

SCOTLAND—WICK AND ANSTRUTHER HARBOURS—Question, Sir Robert Anstruther; Answer, Mr. Shaw Lefevre 587

NAVY—DISCHARGES FROM THE DOCKYARDS—Question, Sir John Hay; Answer, Mr. Childers 587

METROPOLIS—SUBWAY TO PALACE YARD—Question, Mr. Locke King; Answer, Mr. Ayrton 588

MARKET FOR FOREIGN CATTLE—Question, Mr. Samuda; Answer, Mr. W. E. Forster 589

SOUTH AFRICA—Question, Mr. Gilpin; Answer, Mr. Monsell .. 590

RELIGIOUS TESTS IN THE UNIVERSITIES—Question, Mr. Vernon Harcourt; Answer, Mr. Gladstone 591

THE INCIDENCE OF RATING—Question, Major Dickson; Answer, Mr. Goschen 591

NAVY—THE WHITWORTH GUNS—Question, Sir John Hay; Answer, Mr. Childers 591

ABOLITION OF TURNPIKES—Question, Sir George Jenkinson; Answer, Mr. Knatchbull-Hugessen 592

LOCAL TAXATION—Question, Sir Massey Lopes; Answer, Mr. Goschen .. 593

NEW COURTS OF JUSTICE—Question, Mr. Headlam; Answer, Mr. Ayrton 593

NEW ZEALAND—Question, Mr. Magniac; Answer, Mr. Monsell .. 593

Mines Regulation and Inspection Bill [Bill 12]—

Moved, "That the Bill be now read a second time,"—(*Mr. Bruce*) .. 594

After debate, Motion *agreed to*:—Bill read a second time, and *committed* for *Friday* 18th March.

LOCAL TAXATION—MOTION FOR A COMMITTEE—

Moved, "That a Select Committee be appointed to inquire and report whether it be expedient that the charges now imposed on the occupiers of rateable property, for various local purposes, should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division,"—(*Mr. Goschen*) 638

Local Taxation—Motion for a Committee—*continued.*

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it would be advisable to postpone the appointment of a Select Committee until the Government have announced their promised measure for dealing with the incidence of rating,"—(*Sir Massey Lopes,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

Select Committee *appointed,* "to inquire and report whether it be expedient that the charges now locally imposed on the occupiers of rateable property should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division,"—(*Mr. Goschen.*)

Instruction to the Committee, to inquire further into the proper classification of rates, with a view to determine their proper incidence upon the owners or occupiers of such rateable property,—(*Mr. Corrance.*)

And, on March 3, Committee *nominated* :—List of the Committee .. 669

Inverness County, &c. (Boundary) Bill—*Ordered* (*Mr. Cameron, Colonel Grant, Mr. Mackintosh*); *presented,* and read the first time [Bill 38] 670

Bakehouses Bill—*Ordered* (*Mr. Locke, Mr. Holms*); *presented,* and read the first time [Bill 39] 670

Medical Acts Amendment Bill—*Ordered* (*Sir John Gray, Mr. Graves*); *presented,* and read the first time [Bill 40] 670

LORDS, TUESDAY, FEBRUARY 22.

Private Bills—Orders Respecting Petitions 670

Sunday Trading Bill (No. 5)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chelmsford*) .. 670

After short debate, Motion *agreed to* :—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

COMMONS, TUESDAY, FEBRUARY 22.

Army—The Volunteers—Question, Mr. Roden; Answer, Mr. Cardwell .. 684

British Museum—Question, Mr. Cowper-Temple; Answer, Mr. Ayrton .. 685

Metropolis—St. Luke's Hospital—Question, Colonel Barttelot; Answer, Mr. Bruce 685

Land Tenure (Ireland)—Question, Colonel Barttelot; Answer, Mr. Gladstone 687

The Released Fenian Convicts—Question, Sir George Jenkinson; Answer, Mr. Bruce 687

Army—Colonels on Half-Pay—Question, Lord Ronald Gower; Answer, Mr. Cardwell 689

Education—Certificated Schoolmasters—Question, Mr. Assheton Cross; Answer, Mr. W. E. Forster 690

Endowed Schools Bill—Question, Sir John Pakington; Answer, Mr. W. E. Forster 691

Diplomatic and Consular Expenditure—Question, Mr. Rylands; Answer, Mr. Otway 691

Lord Campbell's Act—Question, Mr. Hanbury Tracy; Answer, Mr. Shaw Lefevre 691

Weights and Measures—Question, Mr. J. B. Smith; Answer, Mr. Shaw Lefevre 692

Telegraph Communication between Germany and America—Questions, Mr. Matthews, Mr. Pell; Answers, The Marquess of Hartington .. 693

Ireland—Trinity College, Dublin—Question, Colonel French; Answer, Mr. Gladstone 693

Epping Forest — Her Majesty's Answer to the Address [14th February] *reported* 694

Benefices Bill—
Motion for Leave (*Mr. Cross*) 694
After short debate, Motion *agreed to*:—Bill to render void the sale of the next presentation to a Benefice, *ordered* (*Mr. Cross, Viscount Sandon, Mr. Hibbert, Mr. Birley.*)

Revenue Officers—Motion for a Select Committee—
Moved, "That a Select Committee be appointed to inquire and report as to electoral restraints and disabilities affecting the Civil Servants of the Crown in the several branches of the Revenue Department, and to consider the expediency of removing them in certain cases,"—(*Mr. Monk*) 697
After short debate, Motion, by leave, *withdrawn*.

Suburban Commons Bill—
Motion for Leave (*Mr. Cowper-Temple*) 707
Motion *agreed to*:—Bill to provide for the improvement, protection, and management of Commons and Waste Lands near cities and towns in England, *ordered* (*Mr. Cowper-Temple, Mr. Buxton*); *presented*, and read the first time [Bill 41.]

Chelsea Bridge—Resolution—*Moved*,
"That, in the opinion of this House, the Government Bridge at Chelsea should henceforth be freed from toll,"—(*Mr. Peek*) 708
After short debate, Question put:—the House *divided*; Ayes 21, Noes 162; Majority 141.

Married Women's Acknowledgments Bill—*Ordered* (*Mr. Dodds, Mr. Goldney*); *presented*, and read the first time [Bill 43] 719

Coroners Bill—*Ordered* (*Mr. Goldney, Mr. Walter, Mr. Thomas Chambers, Mr. Pease*); *presented*, and read the first time [Bill 42] 719

Adulteration of Food or Drink Act (1860) Amendment Bill—*Ordered* (*Mr. Muntz, Mr. Goldney, Mr. Dixon*); *presented*, and read the first time [Bill 44] ... 719

Public Prosecutors Bill—*Ordered* (*Mr. Eykyn, Mr. Vernon Harcourt, Mr. Rathbone, Viscount Sandon*); *presented*, and read the first time [Bill 45] 719

COMMONS, WEDNESDAY, FEBRUARY 23.

Life Assurance Companies Bill [Bill 2]—
Moved, "That the Bill be now read a second time,"—(*Mr. Stephen Cave*) 719
After long debate, Motion *agreed to*:—Bill read a second time, and *committed* for *Wednesday* next.

Attorneys and Solicitors Remuneration Bill [Bill 6]—
Moved, "That the Bill be now read a second time,"—(*Mr. Rathbone*) .. 756
Motion *agreed to*:—Bill read a second time, and *committed* for *Monday* next.

Benefices Bill—*Presented*, and read the first time [Bill 46] 760

Education of the Blind, &c. Bill—*Ordered* (*Mr. Wheelhouse, Mr. Ward Jackson, Mr. Mellor*); *presented*, and read the first time [Bill 47] 760

LORDS, THURSDAY, FEBRUARY 24.

Hours of Labour Regulation Act—Question, Lord Lyttelton; Answer, The Earl of Morley 760

COMMONS, THURSDAY, FEBRUARY 24.

Revision of the Statutes—Question, Mr. Locke King; Answer, The Solicitor General 763

Indian Pensions—Question, Colonel Sykes; Answer, Mr. Grant Duff .. 763

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THE CENSUS—Questions, Mr. Candlish, Mr. Hadfield; Answers, Mr. Bruce 763

METROPOLIS—SOUTH KENSINGTON MUSEUM—Question, Mr. Gregory; Answer, Mr. Stansfeld 764

INDIA—PERSIAN GULF TELEGRAPH—Question, Mr. Gregory; Answer, Mr. Grant Duff 764

LOANS FOR LAND IMPROVEMENTS — Question, Mr. White; Answer, Mr. Stansfeld 765

ELEMENTARY EDUCATION — SCHOOLMASTERS—Question, Sir Percy Burrell; Answer, Mr. W. E. Forster 765

ROADS (SCOTLAND)—Question, Mr. Dyce Nicol; Answer, The Lord Advocate 766

NAVY — DEVONPORT DOCKYARD — Question, Mr. J. D. Lewis; Answer, Mr. Childers 766

CANADA—MASSACRE OF INDIANS—Question, Mr. R. N. Fowler; Answer, Mr. Otway 767

TRADES' SOCIETIES—Question, Mr. T. Hughes; Answer, Mr. Bruce .. 767

PROSECUTIONS FOR BRIBERY — Question, Mr. Pemberton; Answer, The Solicitor General 767

THE LAND BILLS—Question, Mr. Gathorne Hardy; Answer, Mr. Gladstone 768

NAVY—COAST GUARD SERVICE—Question, Mr. Roden; Answer, Mr. Childers 768

BRAZIL — THE "MARY HAMILTON" — Question, Mr. Finnie; Answer, Mr. Otway 768

EPPING FOREST—Question, Sir Charles W. Dilke; Answer, Mr. Gladstone 769

EDUCATION — GRANTS TO SCHOOLS—Question, Mr. C. Dalrymple; Answer, Mr. W. E. Forster 770

NAVY — GROUNDING OF SHIPS NEAR PORT SAID—Question, Sir Stafford Northcote; Answer, Mr. Childers 770

CONSULAR JURISDICTION—Question, Viscount Sandon; Answer, Mr. Otway 771

INDIAN CIVIL SERVICE—Question, Mr. Crawford; Answer, Mr. Grant Duff 772

Pilotage Bill [Bill 25]—

Moved, "That the Bill be now read a second time,"—(*Mr. Shaw Lefevre*) 772

After short debate, Motion *agreed to*:—Bill read a second time.

Moved, "That the Bill be referred to a Select Committee:"—After further short debate, Motion *agreed to*:—Bill *committed* to a Select Committee:—And, on March 9, Committee *nominated*:—List of the Committee 779

War Office Bill [Bill 30]—

Moved, "That the Bill be now read a second time,"—(*Mr. Cardwell*) .. 779

After short debate, Motion *agreed to*:—Bill read a second time, and *committed* for *To-morrow*.

Feudal and Burgage Tenures Abolition (Scotland) Bill—

Motion for Leave (*The Lord Advocate*) 787

Motion *agreed to*:—Bill to abolish Feudal and Burgage Tenure, and to amend the Law relating to Land Rights in Scotland, *ordered* (*The Lord Advocate, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 48.]

DIPLOMATIC AND CONSULAR SERVICES—APPOINTMENT OF SELECT COMMITTEE—After short debate, Committee *nominated* (*Mr. Otway*:)—List of the Committee 795

LORDS, FRIDAY, FEBRUARY 25.

The House met;—and having gone through the Business on the Paper, without debate—House adjourned.

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Ireland—Irish Paupers—Question, Mr. M'Carthy Downing; Answer, Mr. Chichester Fortescue 796

Scotland—Faggot Votes—Question, Mr. Craufurd; Answer, The Lord Advocate 797

The Convict, George Whitehead—Question, Viscount Enfield; Answer, Mr. Bruce 797

Army—Examinations for Woolwich—Question, Colonel Beresford; Answer, Captain Vivian 798

Ireland—Grand Jury Laws—Question, Mr. Synan; Answer, Mr. Chichester Fortescue 799

Ireland—Local Taxation—Question, Mr. Synan; Answer, Mr. Goschen 799

License for Parish Hearses—Question, Mr. W. Lowther; Answer, The Chancellor of the Exchequer 799

Pollution of Rivers—Question, Mr. Dimsdale; Answer, Mr. Bruce .. 800

Army—Rifles for Volunteers—Question, Colonel Wilmot; Answer, Captain Vivian 800

Army—Cadets at Woolwich—Question, Major Gavin; Answer, Captain Vivian 800

Beverley Election—Question, Mr. Eykyn; Answer, Mr. Bruce .. 801

Education—Inspection of Schools—Question, Lord Robert Montagu; Answer, Mr. W. E. Forster 801

Visitation Fees—Question, Mr. Lopes; Answer, Mr. Bruce .. 802

Bridgwater Election—Questions, Mr. Pemberton, Mr. F. Walpole; Answers, Mr. Gladstone:—Short debate thereon 803

Elementary Education Bill—Question, Mr. Staveley Hill; Answer, Mr. W. E. Forster 805

Equalization of Poor Rates in the Metropolis—Question, Mr. Wingfield Baker; Answer, Mr. Goschen 806

Case of the Convict Atkins—Question, Mr. Newdegate; Answer, Mr. Bruce 806

Commercial Treaties—Question, Mr. Somerset Beaumont; Answer, The Chancellor of the Exchequer 806

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Competitive Examination—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Government should, with the least delay possible, introduce a measure, the effect of which would be to apply the principle of open competition to appointments in the Civil and Diplomatic Services,"—(*Mr. Fawcett,*)—instead thereof 807

Question proposed, "That the words proposed to be left out stand part of the Question:—After short debate, Amendment, by leave, *withdrawn.*

Royal Forests—Observations, Mr. Goldney; Reply, Mr. Stansfeld:—Short debate thereon 815

Workhouse Relief—Question, Observations, Mr. Fielden; Reply, Mr. Goschen 826

Stamps upon Leases—Question, Observations, Mr. Bourke; Reply, The Chancellor of the Exchequer:—Short debate thereon .. 832

Navy—Coastguard—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient to retire young, efficient, and meritorious officers, and to replace them by others at an increased charge to the public,"—(*Sir John Hay,*)—instead thereof 844

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

Supply—Committee—*continued.*

Case of Michael Atkins—Observations, Mr. Newdegate; Reply, Mr. Bruce 850

Original Question, by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

War Office Bill [Bill 30]—

Bill *considered* in Committee 858

After short time spent therein, Committee report Progress; to sit again upon *Monday* next.

Coinage Bill [Bill 13]—

Moved "That the Bill be now read a second time,"—(*Mr. Chancellor of the Exchequer*) 861

After short debate, Motion *agreed to*:—Bill read a second time, and *committed* for *Monday* next.

Clerical Disabilities Bill—

Considered in Committee; after short debate, ... 868

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for the relief of persons admitted to the office of Priest or Deacon in the Church of England, and desiring to relinquish the same,—(*Mr. Hibbert.*)

Resolution *reported*:—Bill *ordered* (*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph*); *presented*, and read the first time [Bill 49.]

Summary Convictions Bill—*Ordered* (*Mr. Denman, Mr. Cross, Mr. Hibbert*); *presented*, and read the first time [Bill 50] 872

LORDS, MONDAY, FEBRUARY 28.

Sunday Trading Bill (No. 5)—

House in Committee (according to Order) 872

Amendments made; the Report thereof to be received *To-morrow*; and Bill to be *printed*, as amended. (No. 19.)

Rivers Shannon and Suck—Motion for a Paper—*Moved*, for

"Copy of a letter from Mr. Stansfeld to the Marquess of Clanricarde, dated 2d of February, relating to the drainage of the Rivers Shannon and Suck, and its enclosure,"—(*The Marquess of Clanricarde*) 873

After short debate, Motion *agreed to*; Paper to be laid before the House.

Judges Jurisdiction Bill (No. 10)—

House in Committee (according to Order) 875

Amendments made; the Report thereof to be received *To-morrow*; and Bill to be *printed*, as amended. (No. 20.)

COMMONS, MONDAY, FEBRUARY 28.

Ireland—Administration of the Law—Question, Lord John Manners; Answer, Mr. Gladstone 876

Slave Trade from the South Sea Islands—Question, Mr. P. A. Taylor; Answer, Mr. Childers 876

Bankruptcy Jurisdiction—Question, Mr. R. N. Fowler; Answer, Mr. Bruce 877

Excise Licences, for Horses, Dogs, &c.—Question, Mr. Barnett; Answer, The Chancellor of the Exchequer 878

France—The Postal Treaty—Question, Sir Charles Adderley; Answer, The Marquess of Hartington 878

Scotland—Education—Question, Dr. Lyon Playfair; Answer, Mr. Gladstone 879

Ireland—Bankruptcy Law—Question, Mr. Keown; Answer, Mr. Chichester Fortescue 879

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Bridgwater Commissioners' Report—Question, Mr. Headlam; Answer, Mr. Bruce 880
India—The Budget—Question, Sir Stafford Northcote; Answer, Mr. Grant Duff 881
India—Recall of Indian Regiments—Question, Colonel C. Lindsay; Answer, Mr. Grant Duff 881
Treaties of Commerce—Question, Mr. Somerset Beaumont; Answer, Mr. Gladstone 882
Spirit Licences—Question, Mr. M'Carthy Downing; Answer, Mr. Bruce 884
Elementary Education Bill—Question, Mr. Lea; Answer, Mr. W. E. Forster 884
Army Brevets—Question, Sir Patrick O'Brien; Answer, Mr. Cardwell .. 885
Spain—Imprisonment of a British Sailor at Barcelona—Question, Sir Harcourt Johnstone; Answer, Mr. Otway 885
Army—Employment of Soldiers—Question, Mr. Hanbury Tracy; Answer, Mr. Cardwell 885
Telegraphic Messages—Question, Mr. Raikes; Answer, The Marquess of Hartington 886
Telegraphic Statistics—Question, Lord Henry Lennox; Answer, The Marquess of Hartington 886

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Navy—Sale of Admiralty Stores—Questions, Sir John Hay, Mr. Gourley; Answers, Mr. Baxter:—Short debate thereon .. 887
The New Foreign Cattle Market—Question, Sir Henry Selwin-Ibbetson; Answer, Mr. W. E. Forster 895

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—Navy Estimates—*considered* in Committee 896
(In the Committee.)
(1.) 61,000 Men and Boys for Sea and Coast Guard Service, including 14,000 Royal Marines.—After long debate, Vote *agreed to.*
(2.) £2,692,731, Wages to Seamen and Marines 991
Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

Mortgages (No. 2) Bill—*Ordered* (*Mr. Dodds, Mr. Pease, Mr. Bolckow, Mr. Wren-Hoskyns*); *presented,* and read the first time [Bill 52] 991

LORDS, TUESDAY, MARCH 1.

Irish Church Act (1869) Amendment Bill—
A Bill to amend the Irish Church Act, 1869; *presented* (*The Lord Redesdale*); read 1ª (No. 23) 991

Judges Jurisdiction Bill (No. 20)—
Amendments *reported* (according to Order) 992
Amendment *agreed to:*—Bill to be read 3ª on *Thursday* next; to be *printed,* as amended. (No. 25.)

COMMONS, TUESDAY, MARCH 1.

Army—Beards in the Army—Question, Mr. Stacpoole; Answer, Captain Vivian 993
Ireland—National Schools—Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue 994
Proceedings in the Divorce Court—Question, Captain Dawson-Damer; Answer, Mr. Bruce 994

ARMY—TROOPS AT ALDERSHOT—Question, Mr. Simonds; Answer, Captain Vivian 995

INDIA—THE INDIAN NAVY—CASE OF CAPTAIN HAMILTON—Question, Mr. Abel Smith; Answer, Mr. Grant Duff 995

THE FACTORIES ACTS—Question, Mr. Samuelson; Answer, Mr. Bruce .. 997

INDIA—PENSIONS—Question, Colonel Sykes; Answer, Mr. Grant Duff .. 998

CHINA—MR. HART'S NOTES—Question, Colonel Sykes; Answer, Mr. Otway 998

ARMY—BRIGADE OF GUARDS—Question, Lord George Hamilton; Answer, Captain Vivian 999

ARMY—WOOLWICH ARSENAL—Question, Colonel Beresford; Answer, Captain Vivian 999

POLLUTION OF RIVERS COMMISSION—Question, Mr. J. Howard; Answer, Mr. Bruce 999

PERSIA—THE LEGATION—Question, Sir Charles Wingfield; Answer, Mr. Otway 1000

METROPOLIS — SOUTHWARK PARK — Question, Mr. Locke; Answer, Mr. Ayrton 1000

NEW CAB REGULATIONS—Question, Mr. Bowring; Answer, Mr. Bruce .. 1001

ARMY — NON-PURCHASE CORPS FROM INDIA—Question, Colonel Annesley; Answer, Captain Vivian 1001

COMMITTAL OF A FOREMAN OF A JURY — Question, Mr. Haviland-Burke; Answer, The Solicitor General 1002

EMIGRATION—RESOLUTION—*Moved*,

"That, in order to arrest the increase of Pauperism, and to relieve the distressed condition of the working classes, it is expedient that measures be adopted for facilitating the Emigration of poor families to British Colonies,"—(*Mr. R. Torrens*) .. 1002

After long debate, Question put:—the House *divided;* Ayes 48, Noes 153; Majority 105.

PRISONS AND PRISON MINISTERS' ACTS—MOTION FOR A SELECT COMMITTEE—

Moved, That a Select Committee be appointed "to inquire into the operation of the Prisons Act and Prison Ministers' Act, so far as respects the religious instruction provided for prisoners other than those belonging to the Established Church,"—(*Mr. Maguire*) .. 1077

After short debate, Question put:—the House *divided;* Ayes 80, Noes 24; Majority 56:—And, on March 15, Committee *nominated:*—List of the Committee 1080

Tramways Bill—

Motion for Leave (*Mr. Shaw Lefevre*) 1080

After short debate, Motion *agreed to:*—Bill to facilitate the construction and to regulate the working of Tramways, *ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld, Mr. Ayrton*); *presented*, and read the first time [Bill 54.]

Registration of Voters Bill—*Ordered* (*Mr. Dodds, Lord Eustace Cecil, Mr. Pease, Mr. Andrew Johnston*); *presented*, and read the first time [Bill 53] ... 1087

Sale of Liquors on Sunday Bill—*Ordered* (*Mr. Rylands, Mr. Candlish, Mr. Birley, Mr. Osborne Morgan*); *presented*, and read the first time [Bill 57] 1087

Merchant Shipping Bill—Acts read; *considered* in Committee:—Resolution *agreed to*, and *reported:*—Bill *ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld*); *presented*, and read the first time [Bill 55] 1088

Board of Trade Bill—*Ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld*); *presented*, and read the first time [Bill 56] 1088

Marine Mutiny Bill—*Ordered* (*Mr. Dodson, Mr. Childers, Mr. Stansfeld*) ... 1088

COMMONS, WEDNESDAY, MARCH 2.

Annuity Tax (Edinburgh) Bill [Bill 4]—

Moved, "That the Bill be now read a second time,"—(*Mr. M'Laren*) .. 1088

After debate, Debate *adjourned* till *Wednesday* 16th March.

Game Laws (Scotland) Bill [Bill 7]—
Order for Second Reading read 1111
After short debate, Second Reading *deferred* till *Wednesday* 16th March.

Railway Travelling Bill [Bill 37]—
Moved, "That the Bill be now read a second time,"—(*Mr. Plimsoll*) .. 1112
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Dillwyn.*)
After short debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 76, Noes 108; Majority 32:—Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *put off* for six months.

Steam Boilers Inspection Bill—Acts read; *considered* in Committee:—Resolution *agreed to*, and *reported:*—Bill *ordered* (*Mr. Henry B. Sheridan, Dr. Lush*); *presented*, and read the first time [Bill 58] 1115

LORDS, THURSDAY, MARCH 3.

CRIMES AND OUTRAGES (IRELAND)—Withdrawal of Notice (*The Marquess of Clanricarde*) 1116

Owens College Extension Bill—
Order of the Day for the Second Reading read 1116
Moved, "That the second reading of the Bill be postponed till Monday,"—(*The Earl of Harrowby.*)
After short debate, Motion *agreed to:*—Second Reading *put off* accordingly to *Monday* next.

Naturalization Bill (No. 18)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Chancellor*) .. 1118
After debate, Motion *agreed to:*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

Sunday Trading Bill (No. 19)—
Bill read 3ª (according to Order) 1137
Amendment *moved*, to insert new clause—
"No officer of police shall in any manner assist in carrying out the provisions of this Act, or be allowed to give evidence in any prosecution under this Act in any police-court, or other court of justice,"—(*The Earl of Abingdon.*)
After short debate, on Question, *resolved* in the *negative:*—Bill *passed*, and sent to the Commons.

Ecclesiastical Courts Bill [H.L.]—*Presented* (*The Earl of Shaftesbury*); read 1ª (No. 26) 1138
Churchwardens Eligibility Bill [H.L.]—*Presented* (*The Earl Beauchamp*); read 1ª (No. 28) 1138

COMMONS, THURSDAY, MARCH 3.

RAILWAYS—WORKMEN'S TRAINS—Question, Mr. Reed; Answer, Mr. Shaw Lefevre 1138
THE ORDNANCE MAPS—Question, Mr. Miller; Answer, Mr. Ayrton .. 1139
FOREIGN OFFICE AGENCIES—Question, Mr. Rylands; Answer, Mr. Otway 1139
IRELAND—FENIAN PRISONERS—Question, Mr. Stacpoole; Answer, Mr. Gladstone 1140
THE HERRING FISHERIES—Question, Mr. Ridley; Answer, Mr. Bruce .. 1141
FEES ON ELECTION PROSECUTIONS—Question, Colonel Stuart Knox; Answer, The Attorney General 1142
CASE OF MR. MUNZINGER—Question, Mr. Melly; Answer, Mr. Otway .. 1142

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STATUTES OF THE PUBLIC SCHOOLS—Question, Mr. H. B. Samuelson; Answer, Mr. Gladstone 1143
METROPOLIS — CLEANSING THE SERPENTINE — Question, Mr. Wilbraham Egerton; Answer, Mr. Ayrton 1144
ABOLITION OF RELIGIOUS TESTS (UNIVERSITIES)—Question, Mr. Fawcett; Answer, Mr. Gladstone 1146
CUSTOMS' CLERKS—Question, Captain Grosvenor; Answer, Mr. Stansfeld 1146
SPAIN—CASE OF THE "TORNADO"—Question, Mr. Bentinck; Answer, Mr. Otway 1147
IRELAND—REPRESSION OF OUTRAGES—Questions, Mr. Bentinck, Lord John Manners, Colonel Stuart Knox; Answers, Mr. Gladstone .. 1147

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

BUSINESS OF THE HOUSE—POSTPONEMENT OF MOTIONS 1150
WHITWORTH GUNS—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "further trials of Whitworth Guns are inexpedient,"—(*Sir John Hay,*)—instead thereof 1150

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES—*considered* in Committee.

(1.) 115,037 Land Forces.—After long debate, Vote *agreed to* 1158
(2.) 1,760 Native Indian Troops.
(3.) £4,771,900, Pay and Allowances of Land Forces at Home and Abroad, exclusive of India.

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

Stamp Duty on Leases Bill—

Motion for Leave (*Mr. Chancellor of the Exchequer*) 1234
Motion *agreed to:*—Bill to relieve the holders of certain Leases from a Stamp Duty chargeable thereon by Law, and to reduce the Stamp Duty on certain other Leases of the same description, *ordered* (*Mr. Chancellor of the Exchequer, Mr. Stansfeld*); *presented,* and read the first time [Bill 59.]

LORDS, FRIDAY, MARCH 4.

The House met; and having gone through the Business on the Paper, without debate—House adjourned.

COMMONS, FRIDAY, MARCH 4.

WRECKS OFF THE WELSH COAST—Question, Mr. Holland; Answer, Mr. Shaw Lefevre 1236
HABITUAL CRIMINALS ACT—Question, Mr. Miller; Answer, The Lord Advocate 1236
INDIA—RAILWAYS—Question, Mr. Roden; Answer, Mr. Grant Duff .. 1237
EDUCATION BILL—Question, Mr. Campbell; Answer, Mr. W. E. Forster .. 1237
HIGHWAY BOARDS—Question, Mr. G. B. Gregory; Answer, Mr. Knatchbull-Hugessen 1238
ISLAND OF ST. JUAN—Question, Viscount Milton; Answer, Mr. Otway .. 1238
MEDITERRANEAN TELEGRAPHS—Question, Mr. Eykyn; Answer, The Chancellor of the Exchequer 1238

EMIGRATION TO WESTERN AUSTRALIA—Question, Sir James Lawrence; Answer, Mr. Monsell 1239

IRELAND—LAND SALES—Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue 1239

POST OFFICE TELEGRAPHS—Questions, Lord Claud John Hamilton, Mr. Lea; Answers, The Marquess of Hartington 1240

IRELAND—BOROUGHS OF SLIGO AND CASHEL—Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue 1241

NAVY ESTIMATES—Question, Sir John Hay; Answer, Mr. Childers .. 1241

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

HABITUAL DRUNKARDS—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable to legislate for the proper reception, detention, and management of Habitual Drunkards,"—(*Mr. Donald Dalrymple,*)—instead thereof .. 1241

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

NAVY—CASE OF LIEUTENANT CHEYNE—Observations, Sir John Hay; Reply, Mr. Childers:—Short debate thereon 1248

MALT TAX—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that, in lieu of the present Duties on Malt, a reduced charge should be made on the manufactured article, Beer; and it appears to this House that a Licence imposed in the same way as the commuted Hop Duty should be charged on Public Brewers, and a Licence to Brew on all Private Brewers,"—(*Colonel Barttelot,*)—instead thereof 1253

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment, by leave, *withdrawn.*

IRELAND—LOUTH ELECTION—Observations, Mr. O'Reilly-Dease .. 1290

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—NAVY ESTIMATES—*considered* in Committee.

(1.) £968,857, Victuals and Clothing for Seamen and Marines.—After short debate, Vote *agreed to* 1291

£159,368, for the Admiralty Office.—After short debate, Vote *deferred* ... 1299

(2.) £68,794, Scientific Departments, Navy.—After short debate, Vote *agreed to* ... 1299

(3.) £878,352, Dockyards and Naval Yards at Home and Abroad.—After short debate, Vote *agreed to* 1303

Resolutions to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment Bill—

Motion for Leave (*The Lord Advocate*) 1321

After short debate, Motion *agreed to*:—Bill to amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity Tax in Edinburgh and Montrose, and to make provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make provision for the Patronage of the Church of North Leith," *ordered* (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*); *presented,* and read the first time [Bill 62.]

Mutiny Bill—*Ordered* (*Mr. Dodson, Mr. Secretary Cardwell, The Judge Advocate*) 1323

Dublin Collector-General of Rates Franchise Bill—*Ordered* (*Mr. Monk, Sir Patrick O'Brien, Mr. Pim, Sir John Gray*); *presented,* and read the first time [Bill 61] ... 1323

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Income Tax Assessment and Inland Revenue Law Amendment Bill—*Ordered* (*Mr. Stansfeld, Mr. Chancellor of the Exchequer*); *presented*, and read the first time [Bill 63] 1323

County Coroners (Ireland) Bill—*Ordered* (*Mr. Vance, Mr. Callan*); *presented*, and read the first time [Bill 64] 1323

LORDS, MONDAY, MARCH 7.

CRIMES AND OUTRAGES (IRELAND)—Notice (*The Marquess of Clanricarde*) 1324

NEW ZEALAND—WITHDRAWAL OF TROOPS—ADDRESS FOR CORRESPONDENCE—

Moved, "That an humble address be presented to Her Majesty for copy of Correspondence respecting the recall of the 18th Regiment of the Line from New Zealand,"—(*The Earl of Carnarvon*) 1324

After long debate, Motion *agreed to*.

COMMONS, MONDAY, MARCH 7.

SOUTH KENSINGTON MUSEUM—Question, Mr. Samuelson; Answer, Mr. W. E. Forster 1363

IRELAND—BANKRUPTCY LAW—Question, Mr. Keown; Answer, The Solicitor General for Ireland 1364

BEVERLEY ELECTION—MR. W. H. COOK, Q.C.—Questions, Mr. Eykyn, Mr. Haviland-Burke; Answers, The Attorney General .. 1364

COMMONS AND WASTE LANDS—Question, Mr. Vernon Harcourt; Answer, Mr. Knatchbull-Hugessen 1366

ARMY—BEARDS IN THE ARMY—Question, Mr. Stacpoole; Answer, Captain Vivian 1367

INCOME TAX COLLECTION—Question, Mr. Gilpin; Answer, Mr. Stansfeld 1367

ARMY—RETIRED FIELD OFFICERS OF MILITIA—Question, Mr. Jones-Parry; Answer, Mr. Cardwell 1368

ORGANIZATION OF THE CUSTOMS DEPARTMENT—Question, Mr. O'Reilly; Answer, Mr. Stansfeld 1368

LIQUIDATION OF LIMITED COMPANIES—Question, Mr. Eykyn; Answer, The Attorney General 1369

ARMY—THE NEW REGULATIONS—Questions, Sir Robert Anstruther, Major Anson; Answers, Mr. Cardwell 1369

SECURITY OF LIFE IN IRELAND—Question, Lord John Manners; Answer, Mr. Gladstone 1370

NEW SOUTH WALES—POLYNESIAN LABOURERS—Question, Admiral Erskine; Answer, Mr. Monsell 1371

INTERNATIONAL COINAGE—Question, Mr. J. B. Smith; Answer, The Chancellor of the Exchequer 1371

ARMY—MEDICAL REGULATIONS—Question, Mr. Raikes; Answer, Mr. Cardwell 1372

STAMP DUTY ON LEASES BILL—Question, Mr. Hadfield; Answer, The Chancellor of the Exchequer 1372

LAND TENURE ON THE CONTINENT—Question, Mr. Whitwell; Answer, Mr. Otway 1373

Irish Land Bill [Bill 29]—

Moved, "That the Bill be now read a second time,"—(*Mr. Gladstone*) .. 1373

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Bryan*:)—Question proposed, "That the word 'now' stand part of the Question:"—After long debate, Debate *adjourned* till *To-morrow*.

Stamp Duty on Leases Bill [Bill 59]—

Moved, "That the Bill be now read a second time,"—(*Mr. Chancellor of the Exchequer*) 1463

After short debate, Motion *agreed to*:—Bill read a second time, and *committed* for *Thursday*.

Municipal Boroughs (Metropolis) Bill—*Ordered* (*Mr. Buxton, Mr. Thomas Hughes*); *presented*, and read the first time [Bill 65] 1465

Metropolitan Corporation of London Bill—*Ordered* (*Mr. Buxton, Mr. Thomas Hughes*); *presented*, and read the first time [Bill 66] 1465

County of London Bill—*Ordered* (*Mr. Buxton, Mr. Thomas Hughes*); *presented*, and read the first time [Bill 67] 1465

LORDS, TUESDAY, MARCH 8.

Owens College Extension Bill—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Harrowby*) .. 1466

After short debate, on Question? their Lordships *divided;* Contents 33, Not-Contents 6; Majority 27.

Motion *agreed to*:—Bill read 2ª accordingly.

UNIFORM CODE OF BUOYAGE—Question, Mr. Graves; Answer, Mr. Shaw Lefevre 1478

IRELAND—JURY LAW—Question, Captain Dawson-Damer; Answer, Mr. Chichester Fortescue 1478

IRELAND — CULTIVATION OF TOBACCO—Question, Mr. Stacpoole; Answer, The Chancellor of the Exchequer 1478

NAVY—MEDALS FOR JAPAN—Question, Mr. W. E. Price; Answer, Mr. Childers 1479

SCOTLAND — POLICE FORCE — Question, Sir John Ogilvy; Answer, Mr. Bruce 1480

POST OFFICE — GRANTHAM MAIL BAGS—Question, Lord John Manners; Answer, The Marquess of Hartington 1480

INCOME TAX ON CHARITIES — Question, Sir Charles Wingfield; Answer, The Chancellor of the Exchequer 1480

SPANISH AND PORTUGUESE BONDS — Question, Mr. Somerset Beaumont; Answer, Mr. Stansfeld 1481

ARMY—QUARTERMASTERS OF MILITIA—Question, Viscount Enfield; Answer, Captain Vivian 1481

IRELAND—GRAND JURY OF MEATH—Question, Colonel Taylor; Answer, Mr. Chichester Fortescue 1482

DESTITUTION IN THE METROPOLIS—Question, Mr. W. M. Torrens; Answer, Mr. A. Peel 1482

Irish Land Bill [Bill 29]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Bryan*:)—Question again proposed, "That the word 'now' stand part of the Question:"—Debate *resumed* 1483

After long debate, Debate *further adjourned* till *Thursday*.

SUPPLY — SUPPLEMENTARY ESTIMATES — CIVIL SERVICES — *considered* in Committee (In the Committee) 1570

Motion made, and Question proposed, "That a Supplementary sum, not exceeding £174,687, be granted to Her Majesty, for the following Civil Services, which will come in course of payment during the year ending on the 31st day of March 1870: viz.

[Then the several Services are set forth.]

After short debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Fawcett*:)—After further short debate, Motion, by leave, *withdrawn*.

Motion made, and Question proposed, "That a sum, not exceeding £150,024, &c.,"—(*Mr. Stansfeld*) 1577

Original Question, by leave, *withdrawn*.

(I.) *Resolved*, That a Supplementary sum, not exceeding £150,024, be granted to Her Majesty, for the following Civil Services, which will come in course of payment during the year ending on the 31st day of March 1870: viz.

[Then the several Services are set forth.]

SUPPLY—CIVIL SERVICE ESTIMATES—Committee—*continued.*

(2.) Motion made, and Question proposed, "That a Supplementary sum, not exceeding £24,663, be granted to Her Majesty, to pay certain Miscellaneous Expenses, which will come in course of payment during the year ending on the 31st day of March 1870" 1577

Motion made, and Question proposed, "That the Item of £393 14*s.* 1*d.* for conveyance of the Prince of Wales, Prince Christian, and other distinguished persons between Dover and Calais, be omitted from the proposed Vote,"—(*Mr. Fawcett*) :—after short debate, Motion, by leave, *withdrawn.*

Original Question again proposed.

Motion made, and Question proposed, "That a sum, not exceeding £21,693 8*s.* 11*d.*, &c.,"—(*Mr. Richard Shaw*) :—after further short debate, Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

After short debate, (3.) *Resolved,* That a Supplementary sum, not exceeding £152,215, be granted to Her Majesty for the following Revenue and Post Office Packet Services, which will come in course of payment during the year ending on the 31st day of March 1870: viz.

	£
Inland Revenue	22,000
Post Office Packet Service	130,215
	£152,215

Resolutions to be reported *To-morrow ;* Committee to sit again *To-morrow.*

COMMONS, WEDNESDAY, MARCH 9.

PUBLIC CARRIAGE HORSES—Question, Sir Henry Hoare ; Answer, Mr. Bruce 1580

Church Rates (Scotland) Bill [Bill 5]—

Moved, "That the Bill be now read a second time,"—(*Mr. M'Laren*) 1580

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Gordon.*)

After short debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided ;* Ayes 108, Noes 225 ; Majority 117 :—Words *added :*—Main Question, as amended, put, and *agreed to :*—Second Reading *put off* for six months.

Wages Arrestment Abolition (Scotland) Bill—*Ordered* (*Mr. Anderson, Mr. Gordon, Mr. Miller, Mr. Armitstead*) ; *presented,* and read the first time [Bill 69] ... 1602

LORDS, THURSDAY, MARCH 10.

Churchwardens Eligibility Bill (No. 28)—

Moved, "That the Bill be now read 2ª,"—(*The Earl Beauchamp*) .. 1603

After short debate, Motion *agreed to :*—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Naturalization Bill (No. 18)—

Order of the Day for the House to be put into a Committee on the said Bill, read 1604

After short debate, House in Committee.

Amendments made ; the Report thereof to be received on *Tuesday* next ; and Bill to be *printed,* as amended. (No. 31.)

LANDLORDS AND TENANTS IN ENGLAND AND SCOTLAND — MOTION FOR RETURNS—*Moved,*

That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that through the instrumentality of the Poor Law Board, or such other department as may be most convenient, the same queries (with proper modifications) may be issued touching the relations of Landlords and Tenants in England and Scotland which have been issued to the Poor Law Inspectors in Ireland relating to Agricultural Improvements in Ireland, and the answers to which have been laid before both Houses of Parliament in the present Session, and that the answers to such queries so to be issued may be communicated to this House,—(*The Lord Oranmore and Browne*) 1619

After short debate, on Question? *Resolved* in the *Negative.*

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IRELAND—UNION RATING—Question, Mr. M'Mahon; Answer, Mr. Chichester Fortescue 1621

GAME LAWS—Question, Mr. Hardcastle; Answer, Mr. Bruce .. 1621

METROPOLIS—TREES IN THE PARKS—Question, Mr. Eastwick; Answer, Mr. Ayrton 1622

IRELAND—POWERS OF COUNTY CORONERS—Question, Mr. Bruen; Answer, Mr. Chichester Fortescue 1622

ARMY—PURCHASE OF COMMISSIONS—Question, Lord Eustace Cecil; Answer, Mr. Cardwell:—Short debate thereon 1623

TOLL-PAYING BRIDGES—Question, Viscount Enfield; Answer, Sir James Lawrence 1625

EALING LOCAL BOARD—Question, Mr. W. M. Torrens; Answer, Mr. Bruce 1625

ARMY—PROMOTION IN THE ARTILLERY AND ENGINEERS—Question, Mr. Stacpoole; Answer, Mr. Cardwell 1626

SITE OF THE MINT—Question, Mr. J. B. Smith; Answer, The Chancellor of the Exchequer 1626

LAW OF MURDER—Question, Mr. Hibbert; Answer, Mr. Bruce .. 1627

IRELAND—DISMISSAL OF MR. MADDEN—Question, Mr. Haviland-Burke; Answer, Mr. Chichester Fortescue 1627

CASE OF ELIZABETH HOLT—CONTAGIOUS DISEASES ACT—Question, Mr. Jacob Bright; Answer, Mr. Bruce 1628

ARMY—OVER-REGULATION PURCHASE MONEY—Question, Colonel White; Answer, Mr. Cardwell 1629

NORWICH ELECTION COMMISSION—Question, Mr. C. S. Read; Answer, Mr. Bruce 1629

ELEMENTARY EDUCATION BILL—Question, Lord Robert Montagu; Answer, Mr. W. E. Forster 1630

SAVINGS BANKS BILL—Question, Mr. Assheton Cross; Answer, The Chancellor of the Exchequer 1630

IRELAND—EXTRA POLLING PLACES—Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue 1630

ARMY—RETIREMENT FROM THE ARMY—Question, Mr. Malcolm; Answer, Mr. Cardwell 1631

PARLIAMENT—BUSINESS OF THE HOUSE—Questions, Mr. Liddell, Sir John Pakington; Answers, Mr. Gladstone, Mr. Childers 1631

IRISH LAND BILL—Question, Sir Thomas Bateson; Answer, Mr. Gladstone 1632

METROPOLIS—CHELSEA BRIDGE—Question, Mr. W. H. Smith; Answer, Mr. Gladstone 1633

Irish Land Bill [Bill 29]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Bryan*:)—Question again proposed, "That the word 'now' stand part of the Question:"—Debate *resumed* 1634

After long debate, Debate *further adjourned* till *To-morrow.*

Coinage (*re-committed*) **Bill** [Bill 51]—

Bill *considered* in Committee 1726

After short time spent therein, Bill *reported*, with Amendments; to be considered *To-morrow.*

Income Tax Assessment and Inland Revenue Law Amendment Bill [Bill 63]—

Moved, "That the Bill be now read a second time,"—(*Mr. Stansfeld*) .. 1731

After short debate, Motion *agreed to*:—Bill read a second time, and *committed* for *To-morrow.*

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Medical Officers Superannuation Bill—*Ordered* (*Mr. Brady, Sir Henry Hoare, Mr. Brodrick, Mr. Clay*); *presented*, and read the first time [Bill 70] 1732

HOUSES OF PARLIAMENT (NEW REFRESHMENT ROOMS)—

Select Committee *appointed*, "to consider Plans for New Refreshment and Dining Rooms for both Houses of Parliament,"—(*Mr. Ayrton*) 1732

And, on March 11, Committee *nominated* :—List of the Committee .. 1732

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CRIMES AND OUTRAGES (IRELAND)—Question, The Duke of Marlborough; Answer, Earl Granville 1732

High Court of Justice Bill [H.L.]—*Presented* (*The Lord Chancellor*); read 1ª (No. 32) 1733

Appellate Jurisdiction Bill [H.L.]—*Presented* (*The Lord Chancellor*); read 1ª (No. 33) 1733

COMMONS, FRIDAY, MARCH 11.

PRIVILEGED STUDENTS AT OXFORD—Question, Mr. Reed; Answer, Mr. Gladstone 1734

ADULTERATED TEA—Question, Mr. Stapleton; Answer, Mr. Shaw Lefevre 1735

INDIA—RAILWAYS—Question, Mr. Roden; Answer, Mr. Grant Duff .. 1735

EMPLOYMENT OF PAUPERS—WESTMINSTER UNION—Question, Mr. J. G. Talbot; Answer, Mr. Goschen 1736

ARMY—OFFICERS OF MILITIA—Question, Colonel Corbett; Answer, Mr. Cardwell 1737

SCOTLAND—COURT OF SESSION—Question, Mr. Craufurd; Answer, Mr. Gladstone 1737

UNITED STATES—WATER BOUNDARY—Question, Viscount Milton; Answer, Mr. Otway 1738

ARMY—EXPENSES OF OFFICERS—Question, Major Walker; Answer, Mr. Cardwell 1739

ARMY PROMOTION—Question, Mr. Sinclair Aytoun; Answer, Mr. Cardwell 1739

TELEGRAPHS AND THE PRESS—Question, Sir Stafford Northcote; Answer, The Marquess of Hartington 1739

INDIA—FISH PRESERVATION—Question, Sir Stafford Northcote; Answer, Mr. Grant Duff 1742

ALLEGED SECRET SERVICE MONEY PAID TO MEMBERS OF PARLIAMENT—Questions, Mr. Winterbotham, Mr. Henderson; Answers, Mr. Gladstone 1742

ARMY—PURCHASE OF COMMISSIONS—Question, Major Dickson; Answer, Mr. Cardwell 1744

INDIA—RAILWAYS—Question, Sir David Wedderburn; Answer, Mr. Grant Duff 1744

Irish Land Bill [Bill 29]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"——(*Mr. Bryan:*)—Question again proposed, "That the word 'now' stand part of the Question:"—Debate *resumed* 1745

After long debate, Question put:—the House *divided;* Ayes 442, Noes 11; Majority 431:—Division List, Ayes and Noes 1853

Main Question put, and *agreed to* :—Bill read a second time, and *committed* for *Monday* 21st March.

Petty Customs (Scotland) Abolition Bill—*Ordered* (*Mr. Bouverie, Mr. Kinnaird*) 1857

Mutiny Bill—*Presented*, and read the first time 1857

Marine Mutiny Bill—*Presented*, and read the first time 1857

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SPAIN—CASE OF THE "MARY LOWELL"—Question, Mr. Bentinck; Answer, Mr. Otway 1867

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COLLISION BETWEEN THE "BOMBAY" AND "ONEIDA"—Question, Viscount Barrington; Answer, Mr. Shaw Lefevre 1868

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Ordered, That the Orders of the Day be postponed till after the Notice of Motion relative to Captain Coote,—(*Mr. Gladstone*) 1876

IRELAND—CASE OF CAPTAIN COOTE—RESOLUTION—*Moved*,

"That, in the opinion of this House, the conduct of the Government in the dismissal of Captain Coote from the Shrievalty of the county of Monaghan and the appointment of his successor has been unconstitutional, and calculated to impede the due performance of public duty,"—(*Viscount Crichton*) 1877

After long debate, Question put:—The House *divided*; Ayes 113, Noes 193; Majority 80.

Elementary Education Bill [Bill 33]—

Moved, "That the Bill be now read a second time,"—(*Mr. W. E. Forster*) 1919

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities,"—(*Mr. Dixon*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Debate *adjourned* till *To-morrow*.

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee .. 1953

(In the Committee.)

(1.) Motion made, and Question proposed, "That a sum, not exceeding £218,003 0*s.* 7*d.*, be granted to Her Majesty to make good Excesses of Expenditure beyond the Grants for the following Civil Services, for the year ended on the 31st day of March 1869: viz. [Then the several Services are set forth.]

SUPPLY—CIVIL SERVICE ESTIMATES—Committee—*continued.*

Motion made, and Question proposed, "That the Item of £58,443 11*s.* 11*d.*, for Services in China, Japan, and Siam, 1864-5, 1865-6, 1866-7, 1867-8, be omitted from the proposed Vote,"—(*Sir Charles Dilke.*)

After short debate, Question put:—The Committee *divided;* Ayes 21, Noes 47; Majority 26.

Original Question put, and *agreed to.*

(2.) *Resolved,* That a sum, not exceeding £19,286 6*s.* 7*d.*, be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Inland Revenue and Post Office Packet Services, for the year ended on the 31st day of March 1869: viz.

	£	*s.*	*d.*
Inland Revenue Department	17,728	16	8
Post Office Packet Service	1,557	9	11
	£19,286	6	7

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

TRAMWAYS BILL—APPOINTMENT OF COMMITTEE—

Moved, "That the Select Committee on Tramways should consist of nine Members,"—(*Mr. Shaw Lefevre*) 1958

After short debate, Motion *agreed to:*—Committee *nominated:*—List of the Committee.

Brokers (City of London) Bill—*Ordered* (*Mr. William Fowler, Mr. Morley, Mr. Eykyn, Mr. Bowring*); *presented,* and read the first time [Bill 71] 1958

LORDS, TUESDAY, MARCH 15.

STATE OF IRELAND—Question, The Marquess of Clanricarde; Answer, Earl Granville 1959

COMMONS, TUESDAY, MARCH 15.

IRELAND—OUTRAGES—Question, Sir Thomas Bateson; Answer, Mr. Chichester Fortescue 1960

SCOTLAND—SHERIFFS—Question, Mr. Miller; Answer, Mr. Bruce .. 1961

DANGEROUS EXHIBITIONS—Question, Dr. Lush; Answer, Mr. Bruce .. 1961

ARMY—SNIDER RIFLES—Question, Colonel Brise; Answer, Mr. Cardwell 1962

MALE SERVANT DUTY—Question, Sir Harry Verney; Answer, The Chancellor of the Exchequer 1962

Elementary Education Bill [Bill 33]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th March], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities,"—(*Mr. Dixon,*)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—Debate *resumed* 1963

After long debate, Debate *further adjourned* till *Friday.*

City of London (Parishes, &c.) Bill—*Ordered* (*Mr. Andrew Johnston, Viscount Sandon, Mr. William Henry Smith*) 2068

Game Laws Abolition Bill—*Ordered* (*Mr. Taylor, Mr. Jacob Bright, Mr. White*) .. 2068

LORDS.

NEW PEERS.

TUESDAY, FEBRUARY 8, 1870.

Reginald Windsor Sackville West, Baron Buckhurst (by special limitation).

James Earl of Southesk, created Baron Balinhard of Farnell in the county of Forfar.

William Earl of Listowel, created Baron Hare of Connamore in the county of Cork of the United Kingdom.

The Right Honourable Edward George Fitzalan Howard, created Baron Howard of Glossop in the county of Derby.

The Right Honourable John Wilson Fitz-Patrick, created Baron Castletown of Upper Ossory in Queen's County.

Thomas James Agar Robartes, esquire, created Baron Robartes of Lanhydrock and of Truro in the county of Cornwall.

Fulke Southwell Greville-Nugent, esquire, created Baron Greville of Clonyn in the county of Westmeath.

SAT FIRST.

TUESDAY, FEBRUARY 8, 1870.

The Earl of Derby, after the Death of his Father.
The Lord Dynevor, after the Death of his Cousin.

FRIDAY, FEBRUARY 25.

The Viscount Hutchinson, after the Death of his Father.

REPRESENTATIVE PEER FOR IRELAND (*Writs and Returns.*)

The Lord Oranmore and Browne, *v.* Lord Castlemaine, deceased.

TUESDAY, FEBRUARY 8, 1870.

Samuel Lord Bishop of Winchester.
Arthur Charles Lord Bishop of Bath and Wells.
Harvey Lord Bishop of Carlisle.
Frederick Lord Bishop of Exeter.
John Fielder Lord Bishop of Oxford.
George Lord Bishop of Salisbury.

THURSDAY, FEBRUARY 10.

Christopher Lord Bishop of Lincoln.

COMMONS.

NEW WRITS ISSUED.

DURING RECESS.

For *Chester County* (Eastern Division), *v.* Edward Christopher Egerton, esquire, deceased.
For *Tower Hamlets*, *v.* Acton Smee Ayrton, esquire, First Commissioner of Works.
For *Hastings*, *v.* Frederick North, esquire, deceased.
For *Whitby*, *v.* William Henry Gladstone, Commissioner of the Treasury.
For *Glasgow and Edinburgh Universities*, *v.* Right Hon. James Moncreiff, Lord Justice Clerk in Scotland.
For *Chester City*, *v.* Earl Grosvenor, now Marquess of Westminster.
For *King's Lynn*, *v.* Lord Stanley, now Earl of Derby.
For *Merioneth County*, *v.* David Williams, esquire, deceased.
For *Waterford City*, *v.* John Aloysius Blake, esquire, one of the Inspectors of Irish Fisheries.
For *Tipperary County*, *v.* Charles Moore, esquire, deceased.
For *Queen's County*, *v.* Right Hon. John Wilson Fitz-Patrick, now Baron Castletown.
For *Longford County*, *v.* Colonel Fulke Southwell Greville-Nugent, now Baron Greville.
For *Mallow*, *v.* Right Hon. Edward Sullivan, Master of the Rolls in Ireland.

TUESDAY, FEBRUARY 8, 1870.

For *College of the Holy Trinity of Dublin*, *v.* Anthony Lefroy, esquire, Manor of Northstead.

WEDNESDAY, FEBRUARY 9.

For *Southwark*, *v.* Right Hon. Austen Henry Layard, Chiltern Hundreds.
For *Londonderry City*, *v.* Richard Dowse, esquire, Solicitor General for Ireland.

THURSDAY, FEBRUARY 10.

For *Bridgnorth*, *v.* Henry Whitmore, esquire, Chiltern Hundreds.

MONDAY, FEBRUARY 14.

For *Waterford City*, *v.* Sir Henry Winston Barron, void Election.

THURSDAY, FEBRUARY 17.

For *Nottingham Town*, *v.* Charles Ichabod Wright, esquire, Chiltern Hundreds.

FRIDAY, FEBRUARY 18.

For *Roxburgh County*, *v.* Sir William Scott, baronet, Manor of Northstead.
For *Maidstone*, *v.* William Lee, esquire, Chiltern Hundreds.

NEW MEMBERS SWORN.

TUESDAY, FEBRUARY 8, 1870.

Tower Hamlets—Acton Smee Ayrton, esquire.
Chester County (Eastern Division)—William Cunliffe Brooks, esquire.
Whitby—William Henry Gladstone, esquire.
Longford County—Hon. Reginald James Macartney Greville-Nugent.
Antrim County—Captain Hugh de Grey Seymour.
Merioneth County—Samuel Holland, esquire.
Hastings—Ughtred James Kay-Shuttleworth, esquire.
King's Lynn—Lord Claud John Hamilton.
Glasgow and Aberdeen Universities—Edward Strathearn Gordon, Doctor of Laws.

TUESDAY, FEBRUARY 15.
Queen's County—Edmund Dease, esquire.
Mallow—Henry Munster, esquire.

THURSDAY, FEBRUARY 17.
Southwark—Lieutenant Colonel Marcus Beresford.
College of the Holy Trinity of Dublin—Hon. David Robert Plunket.

MONDAY, FEBRUARY 21.
Chester City—Hon. Norman Grosvenor.

TUESDAY, FEBRUARY 22.
Bridgnorth—William Henry Foster, esquire.

MONDAY, FEBRUARY 28.
Maidstone—Sir John Lubbock.

TUESDAY, MARCH 1.
Londonderry City—Richard Dowse, esquire.
Nottingham Town—Hon. Auberon Edward William Molyneux Herbert.

THURSDAY, MARCH 3.
Tipperary—Denis Caulfield Heron, esquire,

MONDAY, MARCH 7.
Roxburgh—Marquess of Bowmont.
Caithness—Sir John George Tollemache Sinclair, baronet.
Waterford City—Ralph Osborne, esquire.

THE MINISTRY

As formed by the Right Honourable WILLIAM EWART GLADSTONE.

THE CABINET.

First Lord of the Treasury	Right Hon. William Ewart Gladstone.
Lord Chancellor	Right Hon. Lord Hatherley.
President of the Council	Right Hon. Earl De Grey and Ripon, K.G.
Lord Privy Seal	Right Hon. Earl of Kimberley.
Secretary of State, Home Department	Right Hon. Henry Austin Bruce.
Secretary of State, Foreign Department	Right Hon. Earl of Clarendon, K.G.
Secretary of State for Colonies	Right Hon. Earl Granville, K.G.
Secretary of State for War	Right Hon. Edward Cardwell.
Secretary of State for India	His Grace the Duke of Argyll, K.G.
Chancellor of the Exchequer	Right Hon. Robert Lowe.
First Lord of the Admiralty	Right Hon. Hugh Culling Eardley Childers.
Postmaster General	Right Hon. Marquess of Hartington.
President of the Board of Trade	Right Hon. John Bright.
Chief Secretary to the Lord Lieutenant (Ireland)	Right Hon. Chichester Samuel Fortescue.
Chief Commissioner of the Poor Law Board	Right Hon. George Joachim Goschen.

NOT IN THE CABINET.

Field Marshal Commanding-in-Chief	H.R.H. the Duke of Cambridge, K.G.
Chancellor of the Duchy of Lancaster	Right Hon. Lord Dufferin, K.P., K.C.B.
Chief Commissioner of Works and Public Buildings	Right Hon. Acton Smee Ayrton.
Vice President of the Committee of Privy Council for Education	Right Hon. William Edward Forster.
Lords of the Treasury	Most Hon. Marquess of Lansdowne, William Patrick Adam, Esq., Hon. Captain John Cranch Walker Vivian, and William Henry Gladstone, Esq.
Lords of the Admiralty	Vice Admiral Sir Sydney Colpoys Dacres, K.C.B., Vice Admiral Sir Robert Spencer Robinson, K.C.B., Captain Lord John Hay, C.B., and George Otto Trevelyan, Esq.
Joint Secretaries of the Treasury	George Grenfell Glyn, Esq., and Right Hon. James Stansfeld.
Secretary of the Admiralty	William Edward Baxter, Esq.
Secretary to the Board of Trade	George John Shaw-Lefevre, Esq.
Secretary to the Poor Law Commissioners	Arthur Wellesley Peel, Esq.
Under Secretary, Home Department	Edward Hugessen Knatchbull-Hugessen, Esq.
Under Secretary, Foreign Department	Arthur John Otway, Esq.
Under Secretary for Colonies	Right Hon. William Monsell.
Under Secretary for War	Right Hon. Lord Northbrook.
Under Secretary for India	Mountstuart Elphinstone Grant Duff, Esq.
Judge Advocate General	Right Hon. Sir Colman Michael O'Loghlen, Bt.
Attorney General	Sir Robert Porrett Collier, Knt.
Solicitor General	Sir John Duke Coleridge, Knt.

SCOTLAND.

Lord Advocate	Right Hon. George Young.
Solicitor General	Andrew Rutherford Clark, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl Spencer, K.G., K.P.
Lord Chancellor	Right Hon. Thomas O'Hagan.
Chief Secretary to the Lord Lieutenant	Right Hon. Chichester Samuel Fortescue.
Attorney General	Right Hon. Charles Robert Barry.
Solicitor General	Richard Dowse, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of Bessborough.
Lord Chamberlain	Right Hon. Viscount Sydney, G.C.B.
Master of the Horse	Most Hon. Marquess of Ailesbury, K.G.
Treasurer of the Household	Right Hon. Lord De Tabley.
Comptroller of the Household	Right Hon. Lord Otho Augustus FitzGerald.
Vice Chamberlain of the Household	Right Hon. Viscount Castlerosse.
Captain of the Corps of Gentlemen at Arms	Most Hon. Marquess of Normanby.
Captain of the Yeomen of the Guard	His Grace the Duke of St. Albans.
Master of the Buckhounds	Right Hon. Earl of Cork, K.P.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Her Grace the Duchess of Sutherland.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

In the Second Session of the Twentieth Parliament of the
United Kingdom of Great Britain and Ireland.

33º VICTORIÆ 1870.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness The Prince of Wales.

His Royal Highness Alfred Ernest Albert Duke of Edinburgh.

His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)

His Royal Highness George William Frederick Charles Duke of Cambridge.

Archibald Campbell Archbishop of Canterbury.

William Page Lord Hatherley, *Lord Chancellor.*

William Archbishop of York.

Marcus Gervais Archbishop of Armagh

George Frederick Samuel Earl De Grey and Earl of Ripon, *Lord President of the Council.*

John Earl of Kimberley, *Lord Privy Seal.*

Henry Duke of Norfolk, *Earl Marshal of England.*

Edward Adolphus Duke of Somerset.

Charles Henry Duke of Richmond.

William Henry Duke of Grafton.

Henry Charles Fitzroy Duke of Beaufort.

William Amelius Aubrey de Vere Duke of Saint Albans.

George Godolphin Duke of Leeds.

William Duke of Bedford.

William Duke of Devonshire.

John Winston Duke of Marlborough.

Charles Cecil John Duke of Rutland.

William Alexander Louis Stephen Duke of Brandon. (*Duke of Hamilton.*)

William John Duke of Portland.

William Drogo Duke of Manchester.

Henry Pelham Alexander Duke of Newcastle.

Algernon George Duke of Northumberland.

Arthur Richard Duke of Wellington.

Richard Plantagenet Campbell Duke of Buckingham and Chandos.

George Granville William Duke of Sutherland.

Harry George Duke of Cleveland.

John Marquess of Winchester.

George Marquess of Tweeddale. (*Elected for Scotland.*)

Henry Charles Keith Marquess of Lansdowne.

John Villiers Stuart Marquess Townshend.

Robert Arthur Talbot Marquess of Salisbury.

John Alexander Marquess of Bath.

James Marquess of Abercorn. (*Duke of Abercorn.*)

Richard Marquess of Hertford.

John Patrick Marquess of Bute.

William Alleyne Marquess of Exeter.

Charles Marquess of Northampton.

John Charles Marquess Camden.

Henry William George Marquess of Anglesey.
George Horatio Marquess of Cholmondeley.
George William Frederick Marquess of Ailesbury.
George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)
Frederick William John Marquess of Bristol.
Archibald Marquess of Ailsa.
Hugh Lupus Marquess of Westminster.
George Augustus Constantine Marquess of Normanby.

Charles John Earl of Shrewsbury.
Edward Henry Earl of Derby.
Francis Theophilus Henry Earl of Huntingdon.
George Robert Charles Earl of Pembroke and Montgomery.
William Reginald Earl of Devon.
Charles John Earl of Suffolk and Berkshire.
Rudolph William Basil Earl of Denbigh.
Francis William Henry Earl of Westmorland.
George Augustus Frederick Albemarle Earl of Lindsey.
George Harry Earl of Stamford and Warrington.
George James Earl of Winchilsea and Nottingham.
George Arthur Philip Earl of Chesterfield.
John William Earl of Sandwich.
Arthur Algernon Earl of Essex.
William George Earl of Carlisle.
Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)
Anthony Earl of Shaftesbury.
———— Earl of Berkeley.
Montagu Earl of Abingdon.
Richard George Earl of Scarbrough.
George Thomas Earl of Albemarle.
George William Earl of Coventry.
Victor Albert George Earl of Jersey.
William Henry Earl Poulett.
Sholto John Earl of Morton. (*Elected for Scotland.*)
Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)
Walter Coningsby Earl of Kellie. (*Elected for Scotland.*)
George Earl of Haddington. (*Elected for Scotland.*)
Thomas Earl of Lauderdale. (*Elected for Scotland.*)
David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)
John Thornton Earl of Leven and Melville. (*Elected for Scotland.*)
Dunbar James Earl of Selkirk. (*Elected for Scotland.*)
Thomas John Earl of Orkney. (*Elected for Scotland.*)
Sewallis Edward Earl Ferrers.
William Walter Earl of Dartmouth.
Charles Earl of Tankerville.
Heneage Earl of Aylesford.
Francis Thomas De Grey Earl Cowper.
Philip Henry Earl Stanhope.
Thomas Augustus Wolstenholme Earl of Macclesfield.
James Earl Graham. (*Duke of Montrose.*)
William Frederick Earl Waldegrave.
Bertram Earl of Ashburnham.
Charles Wyndham Earl of Harrington.
Isaac Newton Earl of Portsmouth.
George Guy Earl Brooke and Earl of Warwick.
Augustus Edward Earl of Buckinghamshire.
William Thomas Spencer Earl Fitzwilliam.
Dudley Francis Earl of Guilford.
Charles Philip Earl of Hardwicke.
Henry Edward Earl of Ilchester.
Charles Richard Earl De La Warr.
Jacob Earl of Radnor.
John Poyntz Earl Spencer.
William Lennox Earl Bathurst.
Arthur Wills Blundell Trumbull Sandys Roden Earl of Hillsborough. (*Marquess of Downshire.*)
George William Frederick Earl of Clarendon.
William David Earl of Mansfield.
William Earl of Abergavenny.
John James Hugh Henry Earl Strange. (*Duke of Athol.*)
William Henry Earl of Mount Edgcumbe.
Hugh Earl Fortescue.
Henry Howard Molyneux Earl of Carnarvon.

Henry Charles Earl Cadogan.

James Howard Earl of Malmesbury.

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

William Richard Earl Annesley. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

Francis Earl of Bandon. (*Elected for Ireland.*)

Francis Robert Earl of Rosslyn.

George Grimston Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

Lawrence Earl of Rosse. (*Elected for Ireland.*)

Sydney William Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Thynne Earl of Harewood.

William Hugh Earl of Minto.

Alan Frederick Earl Cathcart.

James Walter Earl of Verulam.

Adelbert Wellington Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans.

Albert Edmund Earl of Morley.

Orlando George Charles Earl of Bradford.

Frederick Earl Beauchamp.

William Henry Hare Earl of Bantry. (*Elected for Ireland.*)

George Frederick Samuel Earl De Grey and Earl of Ripon. (*In another Place as Lord President of the Council.*)

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Vaughan Earl Cawdor.

William George Earl of Munster.

Robert Adam Philips Haldane Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Granville George Earl Granville.

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Maude Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles George Earl of Gainsborough.

Edward Earl of Ellenborough.

Francis Charles Granville Earl of Ellesmere.

George Stevens Earl of Strafford.

William John Earl of Cottenham.

Henry Richard Charles Earl Cowley.

Archibald William Earl of Winton. (*Earl of Eglintoun.*)

William Earl of Dudley.

John Earl Russell.

John Earl of Kimberley. (*In another Place as Lord Privy Seal.*)

Richard Earl of Dartrey.

William Ernest Earl of Feversham.

John Robert Viscount Sydney, *Lord Chamberlain of the Household.*

Robert Viscount Hereford.

William Henry Viscount Strathallan. (*Elected for Scotland.*)

Henry Viscount Bolingbroke and St. John.

Evelyn Viscount Falmouth.

George Viscount Torrington.

Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)

John Robert Viscount Sydney. (*In another Place as Lord Chamberlain of the Household.*)

Francis Wheler Viscount Hood.

Mervyn Viscount Powerscourt. (*Elected for Ireland.*)

Thomas Viscount De Vesci. (*Elected for Ireland.*)
James Viscount Lifford. (*Elected for Ireland.*)
Edward Viscount Bangor. (*Elected for Ireland.*)
Hayes Viscount Doneraile. (*Elected for Ireland.*)
Cornwallis Viscount Hawarden. (*Elected for Ireland.*)
Carnegie Robert John Viscount St. Vincent.
Henry Viscount Melville.
William Wells Viscount Sidmouth.
George Frederick Viscount Templetown. (*Elected for Ireland.*)
George Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
John Luke George Viscount Hutchinson. (*Earl of Donoughmore.*)
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Wellington Henry Viscount Combermere.
John Henry Thomas Viscount Canterbury.
Rowland Viscount Hill.
Charles Stewart Viscount Hardinge.
George Stephens Viscount Gough.
Stratford Viscount Stratford de Redcliffe.
Charles Viscount Eversley.
Charles Viscount Halifax.
Alexander Nelson Viscount Bridport.

John Bishop of London.
Charles Bishop of Durham.
Samuel Bishop of Winchester.
Connop Bishop of St. David's.
Ashhurst Turner Bishop of Chichester.
Alfred Bishop of Llandaff.
Robert Bishop of Ripon.
John Thomas Bishop of Norwich.
James Colquhoun Bishop of Bangor.
Henry Bishop of Worcester.
Charles John Bishop of Gloucester and Bristol.
Edward Harold Bishop of Ely.
William Bishop of Chester.
Thomas Legh Bishop of Rochester.
George Augustus Bishop of Lichfield.
James Bishop of Hereford.
William Connor Bishop of Peterborough.
Christopher Bishop of Lincoln.
George Bishop of Salisbury.
Frederick Bishop of Exeter.
Harvey Bishop of Carlisle.
Arthur Charles Bishop of Bath and Wells.
John Fielder Bishop of Oxford.
James Bishop of Manchester.
Charles Bishop of Limerick, Ardfert, and Aghadoe.
Robert Bishop of Down, Connor, and Dromore.
James Thomas Bishop of Ossory, Ferns, and Leighlin.

John George Brabazon Lord Ponsonby (*Earl of Bessborough*), *Lord Steward of the Household.*
George Douglas Lord Sundridge (*Duke of Argyll*), *One of Her Majesty's Principal Secretaries of State.*
William Lennox Lascelles Lord De Ros.
Jacob Henry Delaval Lord Hastings.
George Edward Lord Audley.
Alberic Lord Willoughby de Eresby.
Thomas Crosby William Lord Dacre.
Charles Henry Rolle Lord Clinton.
Thomas Lord Camoys.
Henry Lord Beaumont.
Charles Lord Stourton.
Henry William Lord Berners.
Henry Lord Willoughby de Broke.
Sackville George Lord Conyers.
George Lord Vaux of Harrowden.
Ralph Gordon Lord Wentworth.
Robert George Lord Windsor.
St. Andrew Beauchamp Lord St. John of Bletso.
Frederick George Lord Howard de Walden.
William Bernard Lord Petre.
Frederick Benjamin Lord Saye and Sele.
John Francis Lord Arundell of Wardour.
John Stuart Lord Clifton. (*Earl of Darnley.*)
Joseph Thaddeus Lord Dormer.
George Henry Lord Teynham.
Henry Valentine Lord Stafford.

George Anson Lord Byron.

Charles Hugh Lord Clifford of Chudleigh.

Alexander Lord Saltoun. (*Elected for Scotland.*)

James Lord Sinclair. (*Elected for Scotland.*)

William Buller Fullerton Lord Elphinstone. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

George Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

John George Brabazon Lord Ponsonby. (*Earl of Bessborough.*) (*In another Place as Lord Steward of the Household.*)

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

Florence George Henry Lord Boston.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

Augustus Henry Lord Vernon.

Edward St. Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*) (*In another Place as One of Her Majesty's Principal Secretaries of State.*)

Stanhope Martin Bladen Lord Hawke.

Henry Thomas Lord Foley.

Francis William Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

George Bridges Harley Dennett Lord Rodney.

William Lord Berwick.

James Henry Legge Lord Sherborne.

John Henry De La Poer Lord Tyrone. (*Marquess of Waterford.*)

Henry Bentinck Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Charles Cornwallis Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland.

George William Lord Lyttelton.

George Lord Mendip. (*Viscount Clifden.*)

Archibald George Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James George Henry Lord Saltersford. (*Earl of Courtown.*)

William John Lord Brodrick. (*Viscount Midleton.*)

Frederick Henry William Lord Calthorpe.

Charles Robert Lord Carrington.

William Henry Lord Bolton.

George Lord Northwick.

Thomas Lyttleton Lord Lilford.

Thomas Lord Ribblesdale.

Edward Lord Dunsany. (*Elected for Ireland.*)

Theobald Fitz-Walter Lord Dunboyne. (*Elected for Ireland.*)

Lucius Lord Inchiquin. (*Elected for Ireland.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Charles Lord Headley. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Wellington Graham Lord Loftus. (*Marquess of Ely.*)

Granville Leveson Lord Carysfort. (*Earl of Carysfort.*)

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

Horace Lord Rivers.

Augustus Frederick Arthur Lord Sandys

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Frederick William Robert Lord Stewart of Stewart's Court. (*Marquess of Londonderry.*)

Charles Lord Meldrum. (*Marquess of Huntly.*)

George Frederick Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Hale John Charles Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

George Francis Robert Lord Harris.

Reginald Charles Edward Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

James Edward William Theobald Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

William Lygon Lord Silchester. (*Earl of Longford.*)

Clotworthy John Eyre Lord Oriel. (*Viscount Massereene.*)

Henry Thomas Lord Ravensworth.

Hugh Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Robert Francis Lord Gifford.

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

Alexander William Crawford Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Granville Henry Stuart Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

Edward Montague Stuart Granville Lord Wharncliffe.

John Henry Lord Tenterden.

John Lord Plunket.

William Henry Ashe Lord Heytesbury.

Archibald Philip Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Draper Mortimer Lord Wynford.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

William Philip Lord Sefton. (*Earl of Sefton.*)

William Sydney Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

John Hobart Lord Howden.

Fox Lord Panmure. (*Earl of Dalhousie.*)

Augustus Frederick George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Valentine Frederick Lord Cloncurry.

John St. Vincent Lord De Saumarez.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

William Frederick Lord Abinger.

Philip Lord De L'Isle and Dudley.

Alexander Hugh Lord Ashburton.

Edward Richard Lord Hatherton.

Archibald Brabazon Sparrow Lord Worlingham. (*Earl of Gosford.*)

William Frederick Lord Stratheden.

Geoffrey Dominick Augustus Frederick Lord Oranmore and Browne. (*Elected for Ireland.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

James Molyneux Lord Charlemont. (*Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

George Ponsonby Lord Lismore. (*Viscount Lismore.*)
Henry Cairns Lord Rossmore.
Robert Shapland Lord Carew.
Charles Frederick Ashley Cooper Lord De Mauley.
Arthur Lord Wrottesley.
Sudeley Charles George Tracy Lord Sudeley.
Frederick Henry Paul Lord Methuen.
Henry Edward John Lord Stanley of Alderley.
Henry Lord Stuart de Decies.
William Henry Lord Leigh.
Beilby Richard Lord Wenlock.
Charles Lord Lurgan.
Thomas Spring Lord Monteagle of Brandon.
James Lord Seaton.
Edward Arthur Wellington Lord Keane.
John Lord Oxenfoord. (*Earl of Stair.*)
Charles Crespigny Lord Vivian.
John Lord Congleton.
Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)
Victor Alexander Lord Elgin. (*Earl of Elgin and Kincardine.*)
Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)
William Henry Forester Lord Londesborough.
Samuel Jones Lord Overstone.
Charles Robert Claude Lord Truro.
——— Lord De Freyne.
Edward Burtenshaw Lord Saint Leonards.
Richard Henry Fitz-Roy Lord Raglan.
Gilbert Henry Lord Aveland.
Thomas Lord Kenmare. (*Earl of Kenmare.*)
Richard Bickerton Pemell Lord Lyons.
Edward Lord Belper.
James Lord Talbot de Malahide.
Robert Lord Ebury.
James Lord Skene. (*Earl Fife.*)
William George Lord Chesham.
Frederic Lord Chelmsford.
John Lord Churston.
John Charles Lord Strathspey. (*Earl of Seafield.*)
Henry Lord Leconfield.
William Tatton Lord Egerton.
Charles Morgan Robinson Lord Tredegar.
Robert Vernon Lord Lyveden.
William Lord Brougham and Vaux.
Richard Lord Westbury.
Francis William Fitzhardinge Lord Fitzhardinge.
Henry Lord Annaly.
Richard Monckton Lord Houghton.
Reginald Windsor Lord Buckhurst.
John Lord Romilly.
Thomas George Lord Northbrook.
James Lord Barrogill. (*Earl of Caithness.*)
Thomas Lord Clermont.
William Meredyth Lord Meredyth. (*Lord Athlumney.*)
Edwin Richard Windham Lord Kenry. (*Earl of Dunraven and Mount-Earl.*)
Charles Stanley Lord Monck. (*Viscount Monck.*)
John Lord Hartismere. (*Lord Henniker.*)
Edward George Earle Lytton Lord Lytton.
William George Hylton Lord Hylton.
Hugh Henry Lord Strathnairn.
Edward Gordon Lord Penrhyn.
Gustavus Frederick Lord Brancepeth. (*Viscount Boyne.*)
Duncan Lord Colonsay.
Hugh Mac Calmont Lord Cairns.
John Lord Kesteven.
John Lord Ormathwaite.
Brook William Lord Fitzwalter.
William Lord O'Neill.
Robert Cornelis Lord Napier.
Edward Anthony John Lord Gormanston. (*Viscount Gormanston.*)
William Page Lord Hatherley. (*In another Place as Lord Chancellor.*)
John Laird Mair Lord Lawrence.
James Plaisted Lord Penzance.
John Lord Dunning. (*Lord Rollo.*)
James Lord Balinghard. (*Earl of Southesk.*)
William Lord Hare. (*Earl of Listowel.*)
Edward George Lord Howard of Glossop.
John Lord Castletown.
John Emerich Edward Lord Acton.
Thomas James Lord Robartes.
George Carr Lord Wolverton.
Fulke Southwell Lord Greville.

LIST OF THE COMMONS.

LIST OF MEMBERS.

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the Twentieth Parliament of the United Kingdom of Great Britain and Ireland: Amended to the Opening of the Second Session on the 8th Day of February, 1870.

BEDFORD COUNTY.

Richard Thomas Gilpin,
Francis Charles Hastings Russell.

BEDFORD.

James Howard,
Samuel Whitbread.

BERKS COUNTY.

Robert Loyd-Lindsay,
Richard Benyon,
John Walter.

READING.

Sir Francis Henry Goldsmid, bt.,
George John Shaw Lefevre.

WINDSOR (NEW).

Roger Eykyn.

WALLINGFORD.

Stanley Vickers.

ABINGDON.

Hon. Charles Hugh Lindsay.

BUCKINGHAM COUNTY.

Caledon George Du Pre,
Rt. hon. Benjamin Disraeli,
Nathaniel Grace Lambert.

AYLESBURY.

Nathaniel Mayer de Rothschild,
Samuel George Smith.

WYCOMBE (CHEPPING).

Hon. William Henry Peregrine Carington.

BUCKINGHAM.

Sir Harry Verney, bt.

MARLOW (GREAT).

Thomas Owen Wethered.

CAMBRIDGE COUNTY.

Hon. Lord George John Manners,
Hon. Viscount Royston,
Rt. hon. Henry Bouverie William Brand.

CAMBRIDGE (UNIVERSITY)

Rt. hon. Spencer Horatio Walpole,
Alexander James Beresford Beresford Hope.

CAMBRIDGE.

Robert Richard Torrens,
William Fowler.

EAST CHESHIRE.

William John Legh,
William Cunliffe Brooks.

MID CHESHIRE.

Hon. Wilbraham Egerton,
George Cornwall Legh.

WEST CHESHIRE.

Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

MACCLESFIELD.

William Coare Brocklehurst,
David Chadwick.

STOCKPORT.

William Tipping,
John Benjamin Smith.

BIRKENHEAD.

John Laird.

CHESTER.

Henry Cecil Raikes,
Hon. Norman Grosvenor.

CORNWALL COUNTY.

(Eastern Division.)

Sir John Salusbury Trelawny, bt.,
Edward William Brydges Willyams.

(Western Division.)

John Saint Aubyn,
Arthur Pendarves Vivian.

TRURO.

Frederick Martin Williams,
Hon. John Cranch Walker Vivian.

PENRYN AND FALMOUTH.

Robert Nicholas Fowler,
Edward Backhouse Eastwick.

BODMIN.

Hon. Edward Frederick Leveson-Gower.

LAUNCESTON.

Henry Charles Lopes.

LISKEARD.

Rt. hon. Edward Horsman.

HELSTON.

Adolphus William Young.

ST. IVES.

Charles Magniac.

CUMBERLAND COUNTY.

(Eastern Division.)

William Nicholson Hodgson,
Hon. Charles Wentworth George Howard.

(Western Division.)

Henry Lowther,
Hon. Percy Scawen Wyndham.

CARLISLE.
Sir Wilfrid Lawson, bt.,
Edmund Potter.

COCKERMOUTH.
Isaac Fletcher.

WHITEHAVEN.
George Augustus Frederick Cavendish Bentinck.

DERBY COUNTY.
(North Derbyshire.)
Lord George Henry Cavendish,
Augustus Peter Arkwright.
(South Derbyshire.)
Rowland Smith,
Henry Wilmot.
(East Derbyshire.)
Hon. Francis Egerton,
Hon. Henry Strutt.

DERBY.
Michael Thomas Bass,
Samuel Plimsoll.

DEVON COUNTY.
(North Devonshire.)
Hon. Sir Stafford Henry Northcote, bt.,
Thomas Dyke Acland.
(East Devonshire.)
Hon. Edward Baldwin (Courtenay) Viscount Courtenay,
Sir Lawrence Palk, bt.
(South Devonshire.)
Sir Massey Lopes, bt.,
Samuel Trehawke Kekewich.

TIVERTON.
Hon. George Denman,
John Heathcoat-Amory.

PLYMOUTH.
Sir Robert Porrett Collier, knt.,
Walter Morrison.

BARNSTAPLE.
Thomas Cave,
Charles Henry Williams.

DEVONPORT.
John Delaware Lewis,
Montagu Chambers.

TAVISTOCK.
Arthur John Edward Russell.

EXETER.
Sir John Duke Coleridge, knt.,
Edgar Alfred Bowring.

DORSET COUNTY.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
John Floyer.

WEYMOUTH AND MELCOMBE REGIS.
Charles Joseph Theophilus Hambro,
Henry Edwards.

DORCHESTER.
Charles Napier Sturt.

BRIDPORT.
Thomas Alexander Mitchell.

SHAFTESBURY.
Hon. George Grenfell Glyn.

WAREHAM.
John Samuel Wanley Sawbridge Erle Drax.

POOLE.
Arthur Edward Guest.

DURHAM COUNTY.
(Northern Division.)
George Elliot,
Sir Hedworth Williamson, bt.
(Southern Division.)
Joseph Whitwell Pease,
Frederick Edward Blackett Beaumont.

DURHAM (CITY).
John Henderson,
John Robert Davison.

SUNDERLAND.
John Candlish,
Edward Temperley Gourley.

GATESHEAD.
Rt. hon. Sir William Hutt.

SHIELDS (SOUTH).
James Cochran Stevenson.

DARLINGTON.
Edmund Backhouse.

HARTLEPOOL.
Ralph Ward Jackson.

STOCKTON.
Joseph Dodds.

ESSEX COUNTY.
(West Essex.)
Sir Henry John Selwin-Ibbetson, bt.,
Lord Eustace Brownlow Henry Gascoyne-Cecil.

ESSEX COUNTY—*cont.*
(East Essex.)
James Round,
Samuel Brise Ruggles-Brise.
(South Essex.)
Richard Baker Wingfield Baker,
Andrew Johnston.

COLCHESTER.
John Gurdon Rebow,
William Brewer.

MALDON.
Edward Hammond Bentall.

HARWICH.
Henry Jervis White-Jervis.

GLOUCESTER COUNTY.
(Eastern Division.)
Robert Stayner Holford,
Sir Michael Edward Hicks-Beach, bt.
(Western Division.)
Robert Nigel Fitzhardinge Kingscote,
Samuel Stevens Marling.

STROUD.
Sebastian Stewart Dickenson,
Henry Selfe Page Winterbotham.

TEWKESBURY.
William Edwin Price.

CIRENCESTER.
Allen Alexander Bathurst.

CHELTENHAM.
Henry Bernhard Samuelson.

GLOUCESTER.
William Philip Price,
Charles James Monk.

HEREFORD COUNTY.
Sir Joseph Russell Bailey, bt.,
Michael Biddulph,
Sir Herbert George Denman Croft, bt.

HEREFORD.
Edward Clive,
Chandos Wren-Hoskyns.

LEOMINSTER.
Richard Arkwright.

HERTFORD COUNTY.

Hon. Henry Frederick Cowper,
Henry Robert Brand,
Abel Smith.

HERTFORD.

Robert Dimsdale.

HUNTINGDON COUNTY.

Edward Fellowes,
Rt. hon. Lord Robert Montagu.

HUNTINGDON.

Thomas Baring.

KENT COUNTY.

(Eastern Division.)

Edward Leigh Pemberton,
Hon. George Watson Milles.

(West Kent.)

Charles Henry Mills,
John Gilbert Talbot.

(Mid Kent.)

William Hart Dyke,
Hon. William Archer (Amherst) Viscount Holmesdale.

ROCHESTER.

Philip Wykeham-Martin,
John Alexander Kinglake.

MAIDSTONE.

William Lee,
James Whatman.

GREENWICH.

Sir David Salomons, bt.,
Rt. hon. William Ewart Gladstone.

CHATHAM.

Arthur John Otway.

GRAVESEND.

Sir Charles Wingfield.

CANTERBURY.

Henry Alexander Butler-Johnstone,
Theodore Henry Brinckman.

LANCASTER COUNTY.

(North Lancashire.)

Hon. Frederick Arthur Stanley,
Rt. hon. John Wilson-Patten.

(North-east Lancashire.)

James Maden Holt,
John Pierce Chamberlain Starkie.

LANCASTER COUNTY—*cont.*

(South-east Lancashire.)

Hon. Algernon Fulke Egerton,
John Snowdon Henry.

(South-west Lancashire.)

Charles Turner,
Richard Assheton Cross.

LIVERPOOL.

Samuel Robert Graves,
Viscount Sandon,
William Rathbone.

MANCHESTER.

Hugh Birley,
Thomas Bazley,
Jacob Bright.

PRESTON.

Edward Hermon,
Sir Thomas George Fermor Hesketh, bt.

WIGAN.

Henry Woods,
John Lancaster.

BOLTON.

John Hick,
William Gray.

BLACKBURN.

Henry Master Feilden,
Edward Kenworthy Hornby.

OLDHAM.

John Tomlinson Hibbert,
John Platt.

SALFORD.

Charles Edward Cawley.
William Thomas Charley.

ASHTON-UNDER-LYNE.

Thomas Walton Mellor.

BURY.

Robert Needham Philips.

CLITHEROE.

Ralph Assheton.

ROCHDALE.

Thomas Bayley Potter.

WARRINGTON.

Peter Rylands.

BURNLEY

Richard Shaw.

STALEYBRIDGE.

James Sidebottom.

LEICESTER COUNTY.

(Northern Division.)

Rt. hon. Lord John James Robert Manners,
Samuel William Clowes.

(Southern Division.)

Hon. George Augustus Frederick Louis (Curzon-Howe) Viscount Curzon,
Albert Pell.

LEICESTER.

Peter Alfred Taylor,
John Dove Harris.

LINCOLN COUNTY.

(North Lincolnshire.)

Sir Montague John Cholmeley, bt.,
Rowland Winn.

(Mid Lincolnshire.)

Weston Cracroft-Amcotts,
Henry Chaplin.

(South Lincolnshire.)

William Earle Welby,
Edmund Turnor.

GRANTHAM.

Hon. Frederick James Tollemache,
Hugh Arthur Henry Cholmeley.

BOSTON.

John Wingfield Malcolm,
Thomas Collins.

STAMFORD.

Sir John Charles Dalrymple Hay, bt.

GRIMSBY (GREAT).

George Tomline.

LINCOLN.

Charles Seely,
John Hinde Palmer.

MIDDLESEX COUNTY.

Hon. George Henry Charles (Byng) Viscount Enfield,
Lord George Francis Hamilton.

WESTMINSTER.

Hon. Robert Willesley Grosvenor,
William Henry Smith.

TOWER HAMLETS.

Rt. hon. Acton Smee Ayrton,
Joseph D'Aguilar Samuda.

HACKNEY.

Charles Reed,
John Holms.

FINSBURY.

William Torrens M'Cullagh Torrens,
Andrew Lusk.

MARYLEBONE.

John Harvey Lewis,
Thomas Chambers.

CHELSEA.

Sir Charles Wentworth Dilke, bt.,
Sir Henry Ainslie Hoare, bt.

LONDON (UNIVERSITY).
Rt. hon. Robert Lowe.

LONDON.
Rt. hon. George Joachim Goschen,
Robert Wygram Crawford,
William Lawrence,
Baron Lionel Nathan de Rothschild.

MONMOUTH COUNTY.
Charles Octavius Swinnerton Morgan,
Poulett George Henry Somerset.

MONMOUTH.
Sir John William Ramsden, bt.

NORFOLK COUNTY.
(West Norfolk.)
Sir William Bagge, bt.,
Hon. Thomas De Grey.
(North Norfolk.)
Hon. Frederick Walpole,
Sir Edmund Henry Knowles Lacon, bt.
(South Norfolk.)
Edward Howes,
Clare Sewell Read.

KING'S LYNN.
Hon. Robert Bourke,
Rt. hon. Lord Claud John Hamilton.

NORWICH.

Sir William Russell, bt.

NORTHAMPTON COUNTY.
(Northern Division.)
Rt. hon. George Ward Hunt,
Sackville George Stopford.
(Southern Division.)
Sir Rainald Knightley, bt.,
Fairfax William Cartwright.

PETERBOROUGH.
William Wells,
George Hammond Whalley.

NORTHAMPTON.
Charles Gilpin,
Rt. hon. Anthony Henley (Henley) Lord Henley.

NORTHUMBERLAND COUNTY.
(Northern Division.)
Rt. hon. George (Percy) Earl Percy,
Matthew White Ridley.

NORTHUMBERLAND COUNTY *cont.*
(Southern Division.)
Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

MORPETH.
Rt. hon. Sir George Grey, bt.

TYNEMOUTH.
Thomas Eustace Smith.

NEWCASTLE-UPON-TYNE.
Rt. hon. Thomas Emerson Headlam,
Joseph Cowen.

BERWICK-UPON-TWEED.
Rt. hon. Thomas Coutts (Keppel) Viscount Bury,
John Stapleton.

NOTTINGHAM COUNTY.
(Northern Division.)
Rt. hon. John Evelyn Denison,
Frederick Chatfield Smith.
(Southern Division).
William Hodgson Barrow,
Thomas Blackborne Thoroton Hildyard.

NEWARK-UPON-TRENT.
Grosvenor Hodgkinson,
Edward Denison.

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

NOTTINGHAM.
Charles Ichabod Wright.
Charles Seely.

OXFORD COUNTY.
Rt. hon. Joseph Warner Henley,
John Sidney North,
William Cornwallis Cartwright.

OXFORD (UNIVERSITY).
Rt. hon. Gathorne Hardy,
Rt. hon. John Robert Mowbray.

OXFORD (CITY).
Rt. hon. Edward Cardwell,
William George Granville Venables Vernon-Harcourt.

WOODSTOCK.
Henry Barnett.

BANBURY.
Bernhard Samuelson.

RUTLAND COUNTY.
Hon. Gerard James Noel,
George Henry Finch.

SALOP COUNTY.
(Northern Division.)
John Ralph Ormsby-Gore,
Hon. Orlando George Charles (Bridgeman) Viscount Newport.
(Southern Division.)
Rt. hon. Percy Egerton Herbert,
Edward Corbett.

SHREWSBURY.
William James Clement,
James Figgins.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
Alexander Hargreaves Brown.

LUDLOW.
George Herbert Windsor Windsor-Clive.

BRIDGNORTH.
Henry Whitmore.

SOMERSET COUNTY.
(East Somerset.)
Ralph Shuttleworth Allen,
Richard Bright.
(Mid Somerset.)
Ralph Neville-Grenville,
Richard Horner Paget.
(West Somerset.)
William Henry Powell Gore-Langton,
Hon. Arthur Wellington Alexander Nelson Hood.

BATH.
Sir William Tite, bt.,
Donald Dalrymple.

TAUNTON.
Alexander Charles Barclay,
Henry James.

BRIDGWATER.

FROME.
Thomas Hughes.

BRISTOL.
Hon. Francis Henry Fitz-Hardinge Berkeley,
Samuel Morley.

SOUTHAMPTON COUNTY.

(Northern Division.)

William Wither Bramston Beach,
George Sclater-Booth.

(Southern Division.)

Rt. hon. William Francis Cowper-Temple,
Lord Henry John Montagu Douglas-Scott.

WINCHESTER.

William Barrow Simonds,
John Bonham-Carter.

PORTSMOUTH.

Sir James Dalrymple-Horn-Elphinstone, bt.,
William Henry Stone.

LYMINGTON.

Hon. Lord George Charles Gordon Lennox.

ANDOVER.

Hon. Dudley Francis Fortescue.

CHRISTCHURCH.

Edmund Haviland Burke.

PETERSFIELD.

William Nicholson.

SOUTHAMPTON.

Rt. hon. Russell Gurney,
Peter Merrik Hoare.

STAFFORD COUNTY.

(North Staffordshire.)

Rt. hon. Charles Bowyer Adderley,
Sir Edward Manningham Buller, knt.

(West Staffordshire.)

Sir Smith Child, bt.,
Hugo Francis Meynell Ingram.

(East Staffordshire.)

Michael Arthur Bass,
John Robinson McLean.

STAFFORD.

Hon. Reginald Arthur James Talbot,
Thomas Salt.

TAMWORTH.

Rt. hon. Sir Robert Peel, bt.,
Rt. hon. Sir Henry Lytton Bulwer, knt.

NEWCASTLE-UNDER-LYME.

Edmund Buckley,
William Shepherd Allen.

WOLVERHAMPTON.

Rt. hon. Charles Pelham Villiers,
Thomas Matthias Weguelin.

STOKE-UPON-TRENT.

George Melly,
William Sargeant Roden.

WALSALL.

Charles Forster.

WEDNESBURY.

Alexander Brogden.

LICHFIELD.

Richard Dyott.

SUFFOLK COUNTY.

(Eastern Division.)

Hon. John Major Henniker-Major,
Frederick Snowden Corrance.

(Western Division.)

Windsor Parker,
Hon. Lord Augustus Henry Charles Hervey.

IPSWICH.

Hugh Edward Adair,
Henry Wyndham West.

BURY ST. EDMUNDS.

Edward Greene,
Joseph Alfred Hardcastle.

EYE.

Rt. hon. George William (Barrington) Viscount Barrington.

SURREY COUNTY.

(East Surrey.)

Hon. Peter John Locke King,
Charles Buxton.

(Mid Surrey.)

Henry William Peek,
Hon. William Brodrick.

(West Surrey.)

George Cubitt,
John Ivatt Briscoe.

SOUTHWARK.

John Locke,

LAMBETH.

Sir James Clarke Lawrence, bt.,
William McArthur.

GUILDFORD.

Guildford James Hillier Mainwaring Ellerker Onslow.

SUSSEX COUNTY.

(Eastern Division.)

John George Dodson,
George Burrow Gregory.

(Western Division.)

Walter Barttelot Barttelot,
Hon. Charles Henry (Gordon Lennox) Earl of March.

SHOREHAM (NEW).

Rt. hon. Stephen Cave,
Sir Percy Burrell, bt.

BRIGHTHELMSTONE.

James White,
Henry Fawcett.

CHICHESTER.

Hon. Lord Henry Charles George Gordon Lennox.

LEWES.

Hon. Walter John (Pelham) Lord Pelham.

HORSHAM.

Robert Henry Hurst,

MIDHURST.

William Townley Mitford.

WARWICK COUNTY.

(Northern Division.)

Charles Newdigate Newdegate,
William Bromley Davenport.

(Southern Division.)

Henry Christopher Wise,
John Hardy.

BIRMINGHAM.

Rt. hon. John Bright,
George Dixon,
Philip Henry Muntz.

WARWICK.

Arthur Wellesley Peel,
Edward Greaves.

COVENTRY.

Henry William Eaton,
Alexander Staveley Hill.

WESTMORELAND COUNTY.

Rt. hon. Thomas (Taylour) Earl of Bective,
William Lowther.

KENDAL.

John Whitwell.

(WIGHT) ISLE OF.

Sir John Simeon, bt.

NEWPORT, ISLE OF WIGHT.

Charles Wykeham-Martin.

WILTS COUNTY.

(Northern Division.)

Sir George Samuel Jenkinson, bt.,
Hon. Lord Charles William Brudenell-Bruce.

(Southern Division.)

Hon. Lord Henry Frederick Thynne,
Thomas Fraser Grove.

NEW SARUM (SALISBURY).

John Alfred Lush,
Alfred Seymour.

CRICKLADE.
Sir Daniel Gooch, bt.,
Hon. Frederick William Cadogan.

DEVIZES.
Sir Thomas Bateson, bt.

MARLBOROUGH.
Rt. hon. Lord Ernest Augustus Charles Brudenell-Bruce.

CHIPPENHAM.
Gabriel Goldney.

CALNE.
Lord Edmond Fitzmaurice.

MALMESBURY.
Walter Powell.

WESTBURY.
Charles Paul Phipps.

WILTON.
Edmund Antrobus.

WORCESTER COUNTY.
(*Eastern Division.*)
Richard Paul Amphlett,
Hon. Charles George Lyttelton.

(*Western Division.*)
Frederick Winn Knight,
William Edward Dowdeswell.

EVESHAM.
James Bourne.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

BEWDLEY.
Hon. Augustus Henry Archibald Anson.

DUDLEY.
Henry Brinsley Sheridan.

KIDDERMINSTER.
Thomas Lea.

WORCESTER.
William Laslett,
Alexander Clunes Sherriff.

YORK COUNTY.
(*North Riding.*)
Hon. Octavius Duncombe,
Frederick Acclom Milbank.

(*East Riding.*)
Christopher Sykes,
William Henry Harrison Broadley.

(*West Riding, Northern Division.*)
Sir Francis Crossley, bt.,
Hon. Lord Frederick Charles Cavendish.

(*West Riding, Eastern Division.*)
Christopher Beckett Denison,
Joshua Fielden.

YORK COUNTY—*cont.*
(*West Riding, Southern Division.*)
Hon. William (Wentworth-FitzWilliam) Viscount Milton,
Henry Frederick Beaumont.

LEEDS.
Edward Baines,
Robert Meek Carter,
William Saint-James Wheelhouse.

BEVERLEY.

PONTEFRACT.
Rt. hon. Hugh Culling Eardley Childers,
Samuel Waterhouse.

SCARBOROUGH.
John Dent Dent,
Sir Harcourt Johnstone, bt.

SHEFFIELD.
George Hadfield,
Anthony John Mundella.

BRADFORD.
Rt. hon. William Edward Forster,
Edward Miall.

HALIFAX.
Rt. hon. James Stansfeld,
Edward Akroyd.

KNARESBOROUGH.
Alfred Illingworth.

MALTON.
Hon. Charles William Wentworth-Fitzwilliam.

RICHMOND.
Sir Roundell Palmer, knt.

RIPON.
Lord John Hay.

HUDDERSFIELD.
Edward Aldam Leatham.

THIRSK.
Sir William Payne Gallwey, bt.

NORTHALLERTON.
John Hutton.

WAKEFIELD.
Somerset Archibald Beaumont.

WHITBY.
William Henry Gladstone.

YORK CITY.
James Lowther,
Joshua Proctor Brown-Westhead.

MIDDLESBOROUGH.
Henry William Ferdinand Bolckow.

DEWSBURY.
John Simon.

KINGSTON-UPON-HULL.
Charles Morgan Norwood,
James Clay.

BARONS OF THE CINQUE PORTS.

DOVER.
Alexander George Dickson,
George Jessel.

HASTINGS.
Thomas Brassey,
Ughtred James Kay-Shuttleworth.

SANDWICH.
Edward Hugessen Knatchbull-Hugessen,
Henry Arthur Brassey.

HYTHE.
Baron Mayer Amschel de Rothschild.

RYE.
John Stewart Hardy.

WALES.

ANGLESEA COUNTY.
Richard Davies.

BEAUMARIS.
Hon. William Owen Stanley.

BRECKNOCK COUNTY.
Hon. Godfrey Charles Morgan.

BRECKNOCK.
Hon. Edward Hyde (Villiers) Lord Hyde.

CARDIGAN COUNTY.
Evan Mathew Richards.

CARDIGAN, &c.
Sir Thomas Davies Lloyd, bt.

CARMARTHEN COUNTY.
Edward John Sartoris,
John Jones.

CARMARTHEN, &c.
John Stepney Cowell-Stepney.

CARNARVON COUNTY.
Thomas Love Duncombe Jones-Parry.

CARNARVON, &c.
William Bulkeley Hughes.

DENBIGH COUNTY.
Sir Watkin Williams Wynn, bt.,
George Osborne Morgan.

DENBIGH, &c.
Watkin Williams.

FLINT COUNTY.
Hon. Lord Richard de Aquila Grosvenor.

FLINT, &c.
Sir John Hanmer, bt.

GLAMORGAN COUNTY.
Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

MERTHYR TYDVIL.
Henry Richard,
Richard Fothergill.

CARDIFF, &c.
James Frederick Dudley Crichton-Stuart.

SWANSEA, &c.
Lewis Llewelyn Dillwyn.

MERIONETH COUNTY.
Samuel Holland.

MONTGOMERY COUNTY.
Charles Watkin Williams Wynn.

MONTGOMERY.
Hon. Charles Douglas Richard Hanbury-Tracy.

PEMBROKE COUNTY.
John Henry Scourfield.

PEMBROKE.
Thomas Meyrick.

HAVERFORDWEST.
Hon. William Edwardes.

RADNOR COUNTY.
Hon. Arthur Walsh.

NEW RADNOR.
Rt. hon. Spencer Compton (Cavendish) Marquess of Hartington.

SCOTLAND.

ABERDEEN.
(East Aberdeenshire.)
William Dingwall Fordyce.
(West Aberdeenshire.)
William McCombie.

ABERDEEN.
William Henry Sykes.

ARGYLE.
Most noble John Douglas Sutherland (Campbell) Marquess of Lorne.

AYR.
(North Ayrshire.)
William Finnie.
(South Ayrshire.)
Sir David Wedderburn, bt.

KILMARNOCK, RENFREW, &c.
Rt. hon. Edward Pleydell Bouverie.

BURGHS OF AYR, &c.
Edward Henry John Craufurd.

BANFF.
Robert William Duff.

BERWICK.
David Robertson.

BUTE.
Charles Dalrymple.

CAITHNESSSHIRE.
Sir John George Tollemache, Sinclair, bt.

WICK, KIRKWALL, &c.
George Loch.

CLACKMANNAN AND KINROSS.
William Patrick Adam.

DUMBARTON.
Archibald Orr Ewing.

DUMFRIESSHIRE.
George Gustavus Walker

DUMFRIES, &c.
Robert Jardine.

EDINBURGHSHIRE.
Sir Alexander Charles Ramsay Gibson-Maitland, bt.

EDINBURGH.
Duncan McLaren,
John Miller.

UNIVERSITIES OF EDINBURGH AND ST. ANDREWS.
Lyon Playfair.

BURGHS OF LEITH, &c.
Robert Andrew Macfie.

ELGIN AND NAIRN.
Hon. James Grant.

BURGHS OF ELGIN, &c.
Mountstuart Elphinstone Grant Duff.

FIFE.
Sir Robert Anstruther, bt.

BURGHS OF ST. ANDREWS.
Edward Ellice.

KIRKCALDY, DYSART, &c.
Roger Sinclair Aytoun.

FORFAR.
Hon. Charles Carnegie.

TOWN OF DUNDEE.
George Armitstead,
Sir John Ogilvy, bt.

MONTROSE, &c.
William Edward Baxter.

HADDINGTON.
Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON BURGHS.
Sir Henry Robert Ferguson Davie, bt.

INVERNESS.
Donald Cameron.

INVERNESS, &c.
Eneas William Mackintosh.

KINCARDINESHIRE.
James Dyce Nicol.

KIRKCUDBRIGHT.
Wellwood Herries Maxwell.

LANARK.
(North Lanarkshire.)
Sir Thomas Edward Colebrooke, bt.
(South Lanarkshire.)
John Glencairn Carter Hamilton.

GLASGOW.
Robert Dalglish,
William Graham,
George Anderson.

UNIVERSITIES OF GLASGOW AND ABERDEEN.
Edward Strathearn Gordon

LINLITHGOW.
Peter McLagan.

ORKNEY AND SHETLAND.
Frederick Dundas.

PEEBLES AND SELKIRK.
Sir Graham Graham Montgomery, bt.

PERTH.
Charles Stuart Parker.

TOWN OF PERTH.
Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.
Rt. hon. Henry Austin Bruce.

PAISLEY.
Humphrey Ewing Crum-Ewing.

GREENOCK.
James Johnston Grieve.

ROSS AND CROMARTY.
Alexander Matheson.

ROXBURGH.
Sir William Scott, bt.

HAWICK, SELKIRK, &c.
George Otto Trevelyan.

STIRLING.
John Elphinstone Erskine.

STIRLING, &c.
Henry Campbell.

LINLITHGOW, LANARK, &c.
James Merry.

SUTHERLAND.
Rt. hon. Lord Ronald Sutherland Leveson-Gower.

WIGTON.
Hon. Alan Plantagenet (Stewart) Lord Garlies.

WIGTON, &c.
George Young.

IRELAND.

ANTRIM COUNTY.
Hon. Edward O'Neill,
Hugh de Grey Seymour.

BELFAST.
William Johnston,
Thomas McClure.

LISBURN.
Edward Wingfield Verner.

CARRICKFERGUS.
Marriot Robert Dalway.

ARMAGH COUNTY.
Sir James Matthew Stronge, bt.,
William Verner.

ARMAGH (CITY).
John Vance.

CARLOW COUNTY.
Henry Bruen,
Arthur MacMurrough Kavanagh.

CARLOW (BOROUGH).
William Fagan.

CAVAN COUNTY.
Hon. Hugh Annesley,
Edward Saunderson.

CLARE COUNTY.
Crofton Moore Vandeleur,
Rt. hon. Sir Colman Michael O'Loghlen, bt.

ENNIS.
William Stacpoole.

CORK COUNTY.
McCarthy Downing,
Arthur Hugh Smith Barry.

BANDON BRIDGE.
William Shaw.

YOUGHAL
Montague John Guest

KINSALE.
Sir George Conway Colthurst, bt.

MALLOW.
Henry Munster.

CORK (CITY).
John Francis Maguire,
Nicholas Daniel Murphy.

DONEGAL COUNTY.
Thomas Conolly,
Hon. James (Hamilton) Marquess of Hamilton.

DOWN COUNTY.
Hon. Lord Arthur Edwin Hill-Trevor,
William Brownlow Forde.

NEWRY.
William Kirk.

DOWNPATRICK.
William Keown.

DUBLIN COUNTY.
Rt. hon. Thomas Edward Taylor,
Ion Trant Hamilton.

DUBLIN (CITY).
Jonathan Pim,

DUBLIN UNIVERSITY.

FERMANAGH.
Rt. hon. John Thomas Ball,
Mervyn Archdall,
Hon. Henry Arthur Cole.

ENNISKILLEN.
John Henry (Crichton) Viscount Crichton.

GALWAY COUNTY.
William Henry Gregory,
Hon. Hubert (De Burgh Canning) Viscount Burke.

GALWAY (BOROUGH).
William Ulick Tristram (St. Lawrence) Viscount St. Lawrence,
Sir Rowland Blennerhassett, bt.

KERRY.
Rt. hon. Valentine Augustus (Browne) Viscount Castlerosse,
Henry Arthur Herbert.

TRALEE.
Daniel O'Donoghue, (The O'Donoghue).

KILDARE.
Rt. hon. William Henry Ford Cogan,
Rt. hon. Lord Otho Augustus Fitz-Gerald.

KILKENNY.
George Leopold Bryan,
Hon. Leopold Agar-Ellis.

KILKENNY (CITY).
Sir John Gray, knt.

KING'S COUNTY.
Sir Patrick O'Brien, bt.,
David Sherlock.

LEITRIM COUNTY.
William Richard Ormsby-Gore,
John Brady.

LIMERICK COUNTY.
Rt. hon. William Monsell,
Edmund John Synan.

LIMERICK (CITY).
George Gavin,
Francis William Russell.

LONDONDERRY COUNTY.
Robert Peel Dawson,
Sir Frederick William Heygate, bt.

COLERAINE.
Sir Henry Hervey Bruce, bt.

LONDONDERRY (CITY).
Richard Dowse.

LONGFORD COUNTY.
Hon. Reginald James Macartney Greville-Nugent
Myles William O'Reilly.

LOUTH COUNTY.
Rt. hon. Chichester Samuel Parkinson Fortescue,
Matthew O'Reilly-Dease.

DUNDALK.
Philip Callan.

DROGHEDA.
Thomas Whitworth.

MAYO COUNTY.
Hon. George (Bingham) Lord Bingham,
George Henry Moore.

MEATH COUNTY.
Matthew Elias Corbally,
Edward MacEvoy.

MONAGHAN COUNTY.
Charles Powell Leslie,
Sewallis Evelyn Shirley.

QUEEN'S COUNTY.
Kenelm Thomas Digby,
Edmund Dease.

PORTARLINGTON.
Hon. Lionel Seymour William Dawson-Damer.

ROSCOMMON COUNTY.
Rt. hon. Fitzstephen French,
Charles Owen O'Conor (The O'Conor Don).

SLIGO COUNTY.
Denis Maurice O'Conor,
Sir Robert Gore Booth, bt.

SLIGO (BOROUGH).

TIPPERARY COUNTY.
Hon. Charles White,

CASHEL.

CLONMEL.
John Bagwell.

TYRONE COUNTY.
Rt. hon. Henry Thomas Lowry-Corry,
Rt. hon. Lord Claud Hamilton.

DUNGANNON.
Hon. William Stuart Knox.

WATERFORD COUNTY.
John Esmonde,
Edmond de la Poer.

DUNGARVAN.
Henry Matthews.

WATERFORD (CITY).
James Delahunty,

WESTMEATH COUNTY.
William Pollard-Urquhart,
Hon. Algernon William Fulke Greville.

ATHLONE.
John James Ennis.

WEXFORD COUNTY.
Matthew Peter D'Arcy,
John Talbot Power.

WEXFORD (BOROUGH).
Richard Joseph Devereux.

NEW ROSS.
Patrick McMahon.

WICKLOW COUNTY.
William Wentworth Fitzwilliam Dick,
Hon. Henry William Wentworth Fitzwilliam.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *TWENTIETH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE
CONTINUED TILL 8 FEBRUARY, 1870, IN THE THIRTY-
THIRD YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, 8th February, 1870.

THE PARLIAMENT, which had been Prorogued successively from the 11th day of August, 1869, thence to the 28th day of October, thence to the 10th day of January, 1870, thence to the 8th day of February, met this day for Despatch of Business.

The Session of PARLIAMENT was opened by Commission.

The HOUSE OF PEERS being met—

THE LORD CHANCELLOR acquainted the House,

"That it not being convenient for Her Majesty to be personally present here this day, She has been pleased to cause a Commission under the Great Seal to be prepared, in order to the holding of this Parliament."

Then Five of the Lords Commissioners, namely — The LORD CHANCELLOR, The LORD PRESIDENT OF THE COUNCIL (The Earl De Grey and of Ripon), The LORD PRIVY SEAL (The Earl of Kimberley), The LORD STEWARD OF THE HOUSEHOLD (The Earl of Bessborough), The LORD CHAMBERLAIN OF THE HOUSEHOLD (The Viscount Sydney), being in their Robes, and seated on a Form placed between the Throne and the Woolsack, commanded the Yeoman Usher of the Black Rod to let the Commons know "The Lords Commissioners desire their immediate Attendance in this House, to hear the Commission read."

Who being at the Bar, with their Speaker;—the Commission was read by the Clerk:—Then

THE QUEEN'S SPEECH.

THE LORD CHANCELLOR *delivered* HER MAJESTY'S SPEECH to both Houses of Parliament, as follows:—

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"*My Lords, and Gentlemen,*

"We have it in command from Her Majesty again to invite you to resume your arduous duties, and to express the regret of Her Majesty that recent indisposition has prevented Her from meeting you in person, as had been Her intention, at a period of remarkable public interest.

"The friendly sentiments which are entertained in all quarters towards this country, and which Her Majesty cordially reciprocates, the growing disposition to resort to the good offices of allies in cases of international difference, and the conciliatory spirit in which several such cases have recently been treated and determined, encourage Her Majesty's confidence in the continued maintenance of the general tranquillity.

"Papers will be laid before you with reference to recent occurrences in New Zealand.

"*Gentlemen of the House of Commons,*

"The Estimates for the services of the approaching financial year are in a forward state of preparation. Framed with a view in the first place to the effective maintenance of the Public Establishments, they will impose a diminished charge upon the subjects of Her Majesty.

"The condition of the Revenue has answered to the expectations which were formed during the past Session.

"Her Majesty trusts that you will be disposed to carry to its completion the inquiry which you last year instituted into the mode of conducting Parliamentary and Municipal Elections, and thus to prepare the materials of useful and early legislation.

"*My Lords, and Gentlemen,*

"It will be proposed to you to amend the laws respecting the occupation and acquisition of land in Ireland, in a manner adapted to the peculiar circumstances of that country, and calculated, as Her Majesty believes, to bring about improved relations between the several classes concerned in Irish agriculture, which collectively constitute the great bulk of the people. These provisions when matured by your impartiality and wisdom, as Her Majesty trusts, will tend to inspire among persons with whom such sentiments may still be wanting, that steady confidence in the law and that desire to render assistance in its effective administration which mark Her subjects in general; and thus will aid in consolidating the fabric of the Empire.

"We are further directed by Her Majesty to state that many other subjects of public importance appear to demand your care; and among these especially to inform you that a Bill has been prepared for the enlargement, on a comprehensive scale, of the means of National Education.

"In fulfilment of an engagement to the Government of the United States a Bill will be proposed to you for the purpose of defining the status of subjects or citizens of foreign countries who may desire naturalization, and of aiding them in the attainment of that object.

"You will further be invited to consider Bills, prepared in compliance with the Report of the Commission on Courts of Judicature, for the improvement of the constitution and procedure of the Superior Tribunals of both original and appellate jurisdiction.

"The question of religious tests in the Universities and Colleges of Oxford and Cambridge has been under discussion for many years. Her Majesty recommends such a legislative settlement of this question as may contribute to extend the usefulness of these great institutions and to heighten the respect with which they are justly regarded.

"Bills have been prepared for extending the incidence of rating, and for placing the collection of the large sums locally raised for various purposes on a simple and uniform footing.

"Her Majesty has likewise to recommend that you should undertake the amendment of the laws which regulate the grant of licences for the sale of fermented and spirituous liquors.

"Measures will also be brought under your consideration for facilitating the transfer of land, for regulating the succession to real property in case of intestacy, for amending the laws as to the disabilities of members of Trade Combinations, and for both consolidating and improving the body of statutes which relate to merchant shipping.

"While commending to you these weighty matters of legislation, Her Majesty commands us to add that the recent extension of agrarian crime in several parts of Ireland, with its train of accompanying evils, has filled Her Majesty with painful concern.

"The Executive Government has employed freely the means at its command for the prevention of outrage, and a partial improvement may be observed; but although the number of offences, within this class of crime, has been by no means so great as at some former periods, the indisposition to give evidence in aid of the administration of justice has been alike remarkable and injurious.

"For the removal of such evils Her Majesty places Her main reliance on the permanent operation of wise and necessary changes in the law. Yet She will not hesitate to recommend to you the adoption of special provisions, should such a policy appear during the course of the Session to be required by the paramount interest of peace and order.

"Upon these and all other subjects Her Majesty devoutly prays that your labours may be constantly attended by the blessing of Almighty God."

Then the Commons withdrew.

ROLL OF THE LORDS—Garter King of Arms attending, *delivered* at the Table (in the usual manner) a List of the Lords Temporal in the Second Session of the Twentieth Parliament of the United Kingdom: The same was ordered to lie on the Table.

The Lord Bishop of Winchester—Took the Oath.

House adjourned during pleasure.

House resumed.

NEW PEERS.

Reginald Windsor Sackville West Baron Buckhurst, having succeeded to the title on the death of his mother Elizabeth Countess De La Warr (created Baroness Buckhurst) by virtue of a special limitation in the patent dated the 27th April in the twenty-seventh year of Her Majesty's reign—Was (in the usual manner) introduced.

James Earl of Southesk of that part of the United Kingdom called Scotland, Knight of the Order of the Thistle, having been created Baron Balinhard of Farnell in the County of Forfar—Was (in the usual manner) introduced.

William Earl of Listowel of that part of the United Kingdom of Great Britain and Ireland called Ireland, having been created Baron Hare of Connamore in the county of Cork of the United Kingdom—Was (in the usual manner) introduced.

The Right Honourable Edward George Fitzalan Howard commonly called Lord Edward George Fitzalan Howard, having been created Baron Howard of Glossop in the county of Derby—Was (in the usual manner) introduced.

The Right Honourable John Wilson Fitz-Patrick, having been created Baron Castletown of Upper Ossory in Queen's County—Was (in the usual manner) introduced.

Thomas James Agar Robartes, esquire, having been created Baron Robartes of Lanhydrock and of Truro in the county of Cornwall—Was (in the usual manner) introduced.

Fulke Southwell Greville - Nugent, esquire, having been created Baron Greville of Clonyn in the county of Westmeath—Was (in the usual manner) introduced.

SAT FIRST.

The Earl of Derby—Sat first in Parliament after the death of his father.

The Lord Dinevor—Sat first in Parliament after the death of his cousin.

Representative Peer for Ireland —Writs and Returns electing the Lord Oranmore and Browne a Representative Peer for Ireland in the room of the late Lord Castlemaine, deceased, with the certificate of the Clerk of the Crown in Ireland annexed thereto—*Delivered* (on oath), and certificate read.

SELECT VESTRIES.

Bill, pro formâ, read 1ª.

THE QUEEN'S SPEECH— ADDRESS IN ANSWER TO HER MAJESTY'S MOST GRACIOUS SPEECH.

The Queen's Speech *reported* by The Lord Chancellor.

The Marquess of HUNTLY: My Lords, I rise to move that a humble Address be presented to Her Majesty in Answer to her Most Gracious Speech. I venture to ask your Lordships' indulgence in discharging the duty which I have undertaken. I trust that any errors I may be guilty of may be laid to my want of experience, and that your Lordships will look upon my shortcomings with a lenient eye. I am sure your Lordships will have heard with regret of the recent indisposition of Her Majesty. I am happy to be informed that there is nothing serious in Her Majesty's illness, but that she has been suffering an amount of pain and discomfort which made it medically impossible for her to execute her gracious intention to open such an important Session of Parliament.

The existing relations of this country with Foreign Powers must necessarily be a source of gratification to your Lordships. It is obvious that the words of Her Majesty's Speech must refer to the satisfactory settlement of the questions concerning Belgium, Turkey, and Egypt—which might have led to serious consequences, if it had not been for the judicious policy of the noble Lord at the head of Foreign Affairs, and the conciliatory disposition evinced by the other great Powers.

I regret that the settlement of the questions between this country and America which had been agreed to in London has not been ratified by the United States Government, and that up to the present time the differences have not received a favourable solution. But it is to be hoped that under the guidance of the noble Lord they will be satisfactorily adjusted, and it is gratifying to behold that on both sides of the Atlantic the feeling exists that it is important for two such powerful countries to be in harmony.

The most important subject in Her Majesty's Speech is the Land Question of Ireland. I venture to state that there is a general feeling, which will be shared in by your Lordships, that the time has arrived for the settlement of this question—it is one which ought not to be treated as a party question. It is clear beyond all doubt that the present state of things cannot be allowed to continue, and abundant evidence can be adduced to prove the necessity for immediate legislation. Although there may be many cases in which the landlord has behaved liberally towards his tenantry still there is a multiplication of testimony disclosed before Parliamentary tribunals, and from other sources of information, which establishes beyond a doubt the crying necessity for a well-defined measure for the protection of the occupier of the land. In considering the present position of Ireland as regards the occupancy of the land, it must be admitted that a glaring anomaly exists when one considers the tenant-right of Ulster, and the absence of such right in the south and other parts of Ireland. Without wearying your Lordships I would remind you of the cruel and arbitrary manner in which the proprietor of the Ballycohey property exercised his legal rights over the tenantry. As to the mode of dealing with the question practically I have no doubt that the measure which will be brought before Parliament by Her Majesty's Government will be just to both landlord and tenant, and Her Majesty's Government ought not to be deterred from bringing in such a measure, although it may not meet the views of unreasonable individuals. I feel that it is my painful duty to call your Lordships' attention to the frequent occurrence of outrages in Ireland. I am assured by the concluding paragraph in Her Majesty's Speech that the Government are fully determined to adopt every proper measure for the suppression of agrarian crime and conspiracy, and for upholding the supremacy of the law. It is to be hoped that the condition of Ireland will not continue in its present state; and it is the duty of all classes to assist the Government in putting the law in force. Your Lordships will be of opinion that the time has arrived for the introduction of an efficient measure for the education of the people. I am unaware of the nature of the measure to be introduced by Her Majesty's Government, but I trust that it will be a solution of the difficulties which surround the consideration of this important question. I cannot refrain from bearing my humble testimony to the valuable services rendered by the clergy throughout the country, in connection with the education of the labouring classes, but what the country requires is a thoroughly national system of education, to remove the ignorance in which the masses of the people live, and above all, such an extension of that system as will reach the vagrant classes. The introduction of an efficient measure for enlarging the means of education will have the effect of improving the condition of the country, of elevating the morals of the people, and of diminishing the occurrence of crime. It must always be a matter of deep interest to your Lordships—the organization of the Departments connected with the Services, and, I doubt not, that the measure to be introduced by the Government for their re-organization, will tend to their increased efficiency, and, at the same time, to a diminution of taxation. It cannot be denied that economy and efficiency are not incompatible. In consequence of negotiations between the United States and this country, it is proposed to change the existing law of Naturalization for the convenience of the citizens of foreign countries. The Speech makes reference to measures affecting the Courts of Judicature in England; and it is proposed to make extensive alterations, which will, no doubt, tend to the improvement of the administration of justice. The proposal in Her Majesty's Speech for the introduction of a measure relating to University Tests is satisfactory, inasmuch as the question has been discussed in Parliament over and over again, and there exists throughout the country a strong desire for an effectual and final settlement of this vexed and long agitated question. The other measures referred to in Her Majesty's Speech are grave questions, which will require the exercise of impartial judgment, and will doubtless be considered by your Lordships with the care and thought which they demand. It is useless for me to enter into their merits, which must depend upon the measures themselves.

My Lords, there has been, and, no doubt, is now, much distress in different parts of the country, but trade is gradually improving itself. It appears more than probable that that depression will gradually disappear; and one test of the improved condition of the country is the satisfactory state of the revenue, as alluded to in Her Majesty's Speech. My Lords, Her Majesty's Government do not appear to have shrunk from presenting a large number of measures to Parliament, notwithstanding the importance and difficulties of some of them. I can only hope that that which I heard so strongly expressed in this House last year, and which was reported by a joint Committee of both Houses — namely, that a certain portion of Bills should be introduced at an early period into your Lordships' House, will not be neglected by Her Majesty's Government.

I must thank your Lordships for the indulgence you have shown to me, while briefly touching upon the most important points of Her Majesty's Speech. It is impossible not to feel how much depends upon the wisdom with which, in both Houses of Parliament, the different questions may be considered during the coming Session; and I cannot doubt that all political parties will join in Her Majesty's prayer that their labours may be constantly attended by the blessing of Almighty God. The noble Marquess concluded by moving an humble Address to Her Majesty, in Answer to Her Majesty's most Gracious Speech, as follows:—

MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble thanks to Your Majesty for the gracious Speech which Your Majesty has commanded to be made to both Houses of Parliament, and to express our sincere regret that recent indisposition has prevented Your Majesty from meeting us in person on this occasion.

"We humbly thank Your Majesty for informing us that the friendly sentiments which are entertained in all quarters towards this country, and which Your Majesty cordially reciprocates, the growing disposition to resort to the good offices of allies in cases of international difference, and the conciliatory spirit in which several such cases have recently been treated and determined, encourage Your Majesty's confidence in the continued maintenance of the general tranquillity.

"We humbly thank Your Majesty for directing that papers shall be laid before us with reference to recent occurrences in New Zealand.

"We humbly assure Your Majesty that our most earnest attention will be given to any measure that may be brought before us with a view to amend the laws respecting the occupation and acquisition of land in Ireland, in a manner adapted to the peculiar circumstances of that country, and calculated, as Your Majesty believes, to bring about improved relations between the several classes concerned in Irish agriculture, which collectively constitute the great bulk of the people. We humbly share Your Majesty's confidence that these provisions will tend to inspire among persons with whom such sentiments may still be wanting, that steady confidence in the law and that desire to render assistance in its effective administration which mark Your Majesty's subjects in general; and thus will aid in consolidating the fabric of the Empire.

"We humbly thank Your Majesty for informing us that among many subjects of public importance which appear to demand our care, a Bill has been prepared for the enlargement, on a comprehensive scale, of the means of National Education.

"We humbly thank Your Majesty for acquainting us that in fulfilment of an engagement to the Government of the United States, a Bill will be proposed to us for the purpose of defining the status of subjects or citizens of foreign countries who may desire naturalization, and of aiding them in the attainment of that object, and further that we shall be invited to consider Bills, prepared in compliance with the Report of the Commission on Courts of Judicature, for the improvement of the constitution and procedure of the superior tribunals of both original and appellate jurisdiction.

"We humbly assure Your Majesty that we share Your Majesty's opinion that some satisfactory legislative settlement should be effected of the question of religious tests in the Universities and Colleges of Oxford and Cambridge, which may contribute to extend the usefulness of these great institutions, and to heighten the respect with which they are justly regarded.

"We humbly thank Your Majesty for informing us that Bills have been prepared for extending the incidence of rating, and for placing the collection of the large sums locally raised for various purposes on a simple and uniform footing.

"We humbly assure Your Majesty of our readiness to undertake the amendment of the laws which regulate the grant of licences for the sale of fermented and spirituous liquors.

"We humbly thank Your Majesty for informing us that measures will also be brought under our consideration for facilitating the transfer of land, for regulating the succession to real property in case of intestacy, for amending the laws as to the disabilities of members of trade combinations, and for both consolidating and improving the body of statutes which relate to merchant shipping.

"We humbly assure Your Majesty that we participate in the painful concern with which Your Majesty has announced to us the recent extension of agrarian crime in several parts of Ireland, together with its train of accompanying evils.

"We humbly thank Your Majesty for acquainting us that the Executive Government has employed freely the means at its command for the prevention of outrage, and a partial improvement may be observed; but that although the number of offences, within this class of crime, has been by no means so great as at some former periods, the indisposition to give evidence in aid of the administration of justice has been alike remarkable and injurious.

"Humbly trusting with Your Majesty for the removal of these evils to the permanent operation of wise and necessary changes in the law. We shall be prepared for the adoption of special provisions, should such a policy appear during the course of the Session to be required by the paramount interest of peace and order.

"We humbly assure Your Majesty that we fervently join in Your Majesty's prayer that our labours may be constantly attended by the blessing of Almighty God."

THE EARL OF FINGALL: Before I proceed to second the Address, which has been so ably and so effectively proposed by the young and noble Marquess beside me, I would ask forgiveness of that noble Lord, if I, who until this night, was a perfect stranger to him, should take it upon myself to anticipate the congratulations of his friends, and I think I may also say the favourable comments of the general public, by offering him my congratulations on his very neat and appropriate speech, and by wishing him a long and successful career of public utility, for which he has shown such very promising talent.

My Lords, when I undertook to second the Address to Her Majesty, which has been thus ably proposed by the noble Marquess, I felt that I owed the distinction which is conferred upon me to no claim or merit of my own, but to the peculiar position which I occupy in your Lordships' House; I may almost presume to call it a sort of representative position. I am, my Lords, one of a very small body. We are, I think, but six of us in all, who by community of religion, may be said more particularly and more intimately to represent the feelings and the interests of a considerable number of Her Majesty's subjects, the Roman Catholics of Ireland. My Lords, I am fully alive to the responsibility which this position imposes upon me, and I am deeply sensible of the honour of being brought thus prominently forward at the opening of this Session, which promises to be so interesting to Irishmen and so important to Irish interests. The only one drawback to the feeling of pride and satisfaction, with which I rise to address your Lordships, is a fear that Irish interests may suffer in your Lordships' estimation from not being committed to abler hands than mine. But, my Lords, though I may prove but a poor exponent of Irish feeling, and a feeble advocate of Irish interests, I yield to none, my Lords, in a desire to give prosperity to my country, and to bring our people into more harmonious relations with the rest of Her Majesty's subjects.

Her Majesty expresses her regret that she is unable to meet your Lordships, and to open Parliament in person. We must all share in this regret, my Lords, and we must feel it the more, from the knowledge that ill-health is the cause of Her Majesty's absence; but, my Lords, we must hope that this indisposition may be both slight and temporary, and we must pray that Her Majesty may be long spared to us, to continue for many years to come, a reign which up to now has been one uninterrupted course of honour, of wisdom, and of progress.

My Lords, I shall not trespass on your Lordships' time by any observations of mine upon several of the topics referred to in Her Majesty's Speech; but I shall proceed at once to tread upon ground where I shall feel myself to be more at home—

> "It will be proposed to you to amend the laws respecting the occupation and acquisition of land in Ireland, in a manner adapted to the peculiar circumstances of that country, and calculated, as Her Majesty believes, to bring about improved relations between the several classes concerned in Irish agriculture, which collectively constitute the great bulk of the people. These provisions when matured by your impartiality and wisdom, as Her Majesty trusts, will tend to inspire among persons with whom such sentiments may still be wanting, that steady confidence in the law and that desire to render assistance in its effective administration which mark Her subjects in general; and thus will aid in consolidating the fabric of the Empire."

I would ask your Lordships to face this question in a liberal spirit. I, my Lords, who make this request of you, have everything at stake in this Irish land question. Many noble Lords around me have much more extensive possessions, and vastly greater rent-rolls; but it is not everyone of those noble Lords, who like me, live by Irish land, and by Irish land alone. Of course there are several of your Lordships, who, like myself, are Irish landlords, and nothing else. To these noble Lords I would more particularly appeal, and I would ask them to join cordially with the rest of your Lordships' House, in giving their consent to such a reform of the land laws as will give security and contentment to the tenant, and thereby, as I hope and pray, peace and prosperity to Ireland. And we, my Lords, whose lot is inseparably bound up with Ireland, must, in my opinion, be benefited by whatever conduces to the general welfare of that country—

> "Recent extension of agrarian crime in several parts of Ireland, with its train of accompanying evils, has filled Her Majesty with painful concern."

My Lords, it is with sorrow and with shame I say it that there is only too much ground for the regret that Her Majesty expresses in this paragraph. I have already, my Lords, asked you to deal in a liberal spirit with the Land Question, and I am rejoiced to find that Her Majesty places her chief reliance for the settlement of Ireland upon measures of conciliation; but should these unfortunately fail, and should crime and outrage still continue, they must at least cease to go unpunished, and I am pleased to hear that Her Majesty will not hesitate to recommend the adoption of "special provisions, should such a policy appear during the course of the Session to be required by the paramount interest of peace and order." The preservation of peace and order, my Lords, is the first condition of civilization, the first necessity of all good government. Before all things the laws must be respected; where life is not secure there can be no prosperity. But, my Lords, let us hope that the necessity for these repressive measures may not arise, let us look forward more cheerfully to the future, and let us hope that better days may yet be in store for Ireland. I admit, my Lords, that appearances are not re-assuring, and that the past few months have not been all that a well-wisher of Ireland and a loyal subject of the Crown would desire to see. But, my Lords, I am one of those who hope that the worst is now over. In the last Session of Parliament your Lordships gave your sanction to a measure of grace, which showed your disposition to meet the wishes of the greater portion of the people of Ireland, and to do them an act of justice, which apparently trenched upon the privileges of the more favoured minority. Believe me, my Lords, that act of grace and justice has been deeply felt and fully appreciated by the Roman Catholics of Ireland. Notwithstanding all that has been said and done since last Session, I dare venture to express my conviction that, when that great concession shall have been crowned by a generous and comprehensive reform of the laws between landlord and tenant, that Ireland will settle down, that we shall have quiet and contentment in that country, that we shall feel our interests to be so completely bound up with your interests that we shall all become a happy and a united people, and a source of pride and strength to the British Empire. The noble Earl concluded by seconding the Address.

The LORD CHANCELLOR having read the Address, [See *Page* 11.]

LORD CAIRNS: My Lords, at no time and under no circumstances, as it seems to me, could any question arise with respect to our assent to the first part of this Address, and your Lordships, I have no doubt, will unanimously join in carrying to the foot of the Throne the expression of your deep regret on the announcement of Her Majesty's recent indisposition, and of your fervent desire and prayer that She may speedily be restored to that health and vigour which have always been devoted to the benefit of her subjects. My Lords, I am not much surprised that both the noble Marquess who moved the Address and the noble Earl who seconded it found in the Speech of the Royal Commissioners but little to claim attention with the exception of the one prominent paragraph on which they both enlarged. In fact, this Speech is not without a certain singularity as regards topics which sometimes — and indeed more generally—are referred to in these compositions, but which are here omitted. The circumstance that only a few lines are devoted to Foreign Affairs cannot, I think, be deemed otherwise than grateful to your Lordships, inasmuch as it leads us to the belief that there is nothing whatever connected with foreign affairs which can be other than a subject of congratulation to this country. But with regard to our colonial interests the case is somewhat different; and I own that for my part, having regard to events which have occurred since last we met, to opinions which have been expressed, and to desires which we know are largely entertained in some parts of our colonial possessions, I should have been well pleased if some notice had been taken of the existence and circumstances of our Colonies, if only for the purpose of showing those important territories that their well-being, their prosperity, their attachment to the mother country, are not and never can be subjects of indifference to the Parliament of the Empire. With regard to another subject, I think the noble Marquess who moved the Address exercised, perhaps, a more correct judgment than those who framed the Address itself. He referred to a matter of which I should have been glad to have seen some notice in the Speech—the distress and destitution prevalent in this country at the present time to a very considerable extent. I am not one of those who think that such distress and destitution —I hope of a temporary nature—can be met effectually and removed by Acts of Parliament; but it has always been the custom—and I think a right and proper custom—that when Parliament assembles and distress prevails notice should be taken of it, if it were only for the purpose of assuring the sufferers that their distress is understood and that sympathy is felt for them.

My Lords, passing from these topics which are not found in the Speech, I turn to those which are mentioned in it. We are told that a measure on the subject of Education is to be laid before Parliament. Now, I rejoice to think that that subject is one upon which, though we may differ as to the means, we can entertain no difference of opinion as to the desirability of the end to be attained; and I am willing to express a sanguine hope that, the same object being in the minds of both sides of the House, the Session may not pass over without the passing of a large and comprehensive measure for the improvement of education. I must take notice that, from no Bill being spoken of, it would appear that it is not the intention of the Government to introduce a measure on the subject of education in Scotland, or to propose any legislation with regard to education in Ireland. I notice these matters merely because they are subjects of great interest, and because I feel assured your Lordships would desire every information on the point which it may be in the power of the Government to give. The Speech invites us to consider a measure with regard to the important subject of Naturalization, which has already been inquired into by a Royal Commission. That, I have no doubt, is a subject which is entirely ripe for legislation; and I only venture to add an expression of regret that I do not observe the same notice as to the recommendations of the Commission which sat lately upon the Laws of Neutrality. I am rather surprised it is not thought possible to embody in a measure their very judicious and moderate suggestions on that subject. Upon the question of the improvement of our Courts of Judicature I am glad to see—for I take some personal interest in the subject, having had the honour of acting as Chairman of the Commission—that its recommendations are to become the subject of legislation. The noble Marquess referred—and the Speech also refers—to the subject of University Tests. Now, whatever opinions may be entertained on that subject, I am extremely glad that the measure has passed into the hands of the Government, and is to be proposed as a Government measure. It is a measure of such importance that I think it ought not to be left in private hands; and coming, as it is about to do, into the hands of the Government, I hope that that will not occur which occurred last year, when the Bill came up at such a period that it was impossible for your Lordships to consider its provisions, and you were obliged to adjourn it by moving "the previous Question." Passing over the subjects of Rating and Licences, I must be allowed to express my satisfaction at the statement that a measure is to be proposed for the purpose of facilitating the transfer of Land. Most of your Lordships are interested in land, and I have always entertained the opinion—and have entertained it strongly—that there are no persons so deeply interested in promoting facilities for the transfer of land as the owners of land themselves. We are told also that we shall have to consider a measure for regulating the succession to Real Property in cases of intestacy. My Lords, I was under the impression that the succession to real property in cases of intestacy was already regulated by law; but, without dwelling upon verbal criticism, we shall, no doubt, be told at the proper time what the meaning of that somewhat obscure paragraph of Her Majesty's Speech really is.

These, my Lords, are, I think, all the topics referred to in the Speech, with the exception of the paragraphs which relate to Ireland. With regard to the first of those paragraphs, we are told that it will be proposed to us to amend the laws respecting the occupation and acquisition of land in Ireland. My Lords, I am always unwilling to stop for the purpose of verbal criticism, and I certainly was never more disposed to rejoice that, in acceding to an Address in answer to a Speech, we are not supposed to commit ourselves either to the somewhat questionable grammar or the very singular diction in which some parts of the Speech are framed. But I would observe upon this paragraph that I was not aware that there are at present any law or laws in Ireland respecting the acquisition of land, with the exception of those laws which are generally styled the laws of supply and demand—the laws of political economy—as to which I will venture to express a hope that the Government do not think they will be able to amend those particular laws. As to a measure respecting the occupation of land, I certainly think it would be entirely out of place to anticipate the character of that measure, or to follow some of the observations made by the noble Marquess (the Marquess of Huntly) upon what he thinks the state of evidence on the subject of occupation. I quite concur with his observation that the proper time to enter into that subject will be when the measure is introduced, and I venture to hope that when introduced it will be found commensurate with the gravity and importance of the subject. But I turn to that which is of more pressing interest—the paragraphs of the Speech with regard to the present state of Ireland. Those paragraphs certainly—I have read them more than once—have filled me with considerable surprise. They tell us that agrarian crime in Ireland has greatly increased. They tell us that agrarian crime in Ireland has diminished. They tell us that there have been former periods in the history of Ireland when agrarian crime has been greater than even at the present moment. They tell us that the Executive Government has used all the powers which were confided to it for the purpose of repressing crime and outrage in Ireland; they tell us that all the powers which have been confided to the Executive Government for the purpose of repressing crime and outrage in Ireland have been used, but used in vain. They tell us that the Executive Government will not hesitate to apply to Parliament for the purpose of obtaining greater powers if it should be thought necessary; they tell us that it is necessary to obtain greater powers, because the present powers are insufficient; but they tell us finally that the Government do not apply to Parliament for greater powers. Now, as we all know, a Cabinet is a composite body, and we know that the members of a Cabinet may fairly be expected to look upon the same subject from different points of view. Indeed, it is not unreasonable that there should be a certain amount of contribution to the Royal Speech from the different members of the Cabinet; but I have always understood that it was the great duty of the master-builder of the Speech so to harmonize these contributions that these marks of composite work should be, as carefully as may be, obliterated from the finished performance. I am afraid that that duty has not been successfully discharged on the present occasion. I think even that without much difficulty we may imagine ourselves present at the composition of the Speech. I can fancy that when the earlier paragraphs were completed it occurred to some member of the Cabinet—"Well, but before we finish surely we must say something with regard to the present condition of Ireland;"—whereupon a paragraph was inserted by which Her Majesty was made to express her regret at the recent extension of agrarian crime. "Oh! but" remonstrates the Chief Secretary, "that won't do; things are not quite so bad as you represent them—almost forty-eight hours have passed without a murder; therefore you must qualify that statement, and represent the condition of things as not quite so bad as is supposed." "Well, then," says the Prime Minister, "put in a small paragraph to say things are improving;"—and accordingly the paragraph is put in, but unfortunately put in with such rapidity that it remains doubtful whether the partial improvement has occurred in the state of the country or in the activity of the Executive. But then, some other Member of the Cabinet, probably the noble Earl who presides over the education of the country, and is of an historical turn of mind, says—"There was a rebellion in '98, and another rebellion of a smaller kind in '48. Why should not we remind the public that Ireland is not quite in the state in which it has been before?" Accordingly a small paragraph is inserted to say that things have been worse at other times. Well—but then the Chief Secretary thinks some credit ought to be given to the Executive, and that it must not be supposed they are to blame for anything which has occurred. Accordingly, he wishes it said that the Executive have done their best to repress crime and outrage in Ireland—and a paragraph to that effect is added. But some Minister of a logical turn of mind—I dare say the Chancellor of the Exchequer, for it is exactly what he would say—remarks, "If you have done all you can, and cannot repress it, why not ask for further powers?" But then, the Prime Minister and the President of the Board of Trade say—"What, ask Parliament for measures of coercion—we who came into office upon a protest against measures of coercion? It would be fatal to us as a Government which was to bring a message of peace to Ireland." Accordingly, the absurdity of the position is realized, and the Chancellor of the Exchequer is silenced. But then, the noble Earl the Foreign Secretary says—"We are the laughing-stock of Europe. Every Minister in every Court in Europe is asking us what we are going to do with Ireland, and whether we are able to govern the country or not." At last, some one suggests — "We will reconcile that, and say if it should be necessary we will ask for further powers." Accordingly, the views of all the different Ministers are fully represented in the Royal Commissioners' Speech, and the Speech becomes the extraordinary composition we have heard read.

Now, I must say I agree with the noble Earl the Seconder of the Address that the present state of Ireland is not merely very sad, but very shameful. I find that the gentleman who prepares the official statistics of the state of crime in Ireland, Dr. Hancock, than whom no person is more competent to speak on the subject, says with regard to the first six months of last year—

> "From information on the subject collected by the police I may state that the number of agrarian outrages specially reported in 1868 was less than in any of the last twenty years, except 1866 and 1867. The great increase in these outrages has been in 1869; as indicated by the latest returns, which are for the first half of the year, 169 agrarian outrages have been reported during this period, which is double the number (eighty-seven) in the same half of 1868, and four times the number (forty-three) in 1866, and greater than in any year since 1855, except the years of pressure, 1862 and 1863."

My Lords, important as the statistics on the subject are, the statistics, it appears to me, by no means represent the whole extent and gravity of the position. I have looked at the annals of what I may call the *delicta majora* for the year 1869—I have not seen the catalogue for the beginning of the present year, but they have not been infrequent—I have put aside all minor offences, threatening letters, threatening visits, disturbances without loss of life, and I find that taking greater offences alone, such as murder, mutilation, burglarious entry into houses and abstraction of arms, riots attended with loss of life, the number of offences in the reports for 1869 amounts to fifty-nine, and out of those there were no less than eighteen assassinations. Well, that is bad enough, but it is not the worst part of the case. What I think is by far the worst feature of the case is that out of those fifty-nine cases—so far as I know and am able to discover, there is only one of them in which any person has been brought to justice for the crime committed. For one a man was tried. It is stated that there was considerable difficulty in obtaining a jury to serve; that the evidence against the prisoner was clear and distinct; that the half-murdered man appeared in court, and was hooted because he identified the prisoner as the person who had attacked him; that the Judge, who was supposed to have summed up in favour of a conviction, was insulted by the mob; that one of the jurors who was supposed to have been favourable to a conviction was obliged to run for his life and take shelter in a police barrack; and the jury of course disagreed and there was no conviction. That is the only case, as far as I know, in which any man was brought to justice out of those fifty-nine cases, and in that there was no conviction. Well, I repeat that the statistics are not the worst feature of the case; the worst part of it is, as it seems to me, the effect which these things have had over the face of the country. These are the cases where the disposition to crime and outrage crops out; but in addition to this there underlies the whole surface of society, a substratum of dissatisfaction and proneness to outrage, of which statistics give us no idea. I read not many days ago a statement—not made for any political purpose—by the Dublin correspondent of *The Times* to this effect—

> "Threatening letters and notices warning tenants not to pay rent are exciting alarm in Westmeath and other counties. The attempt to intimidate is not confined to landlords and agents, but is extended to other classes. A few days ago

> a member of the Inner Bar, who also holds a judicial office, received a letter threatening him with the same death as his client if he ventured to argue a question pending in the superior courts between a landlord and a tenant. In many instances persons who receive threatening letters conceal the fact lest their friends should be needlessly alarmed, and from a belief that there is no use in giving information to the police."

About the same time I observed in another journal among the records of the Courts at Dublin this very singular notice. It was as follows:—

> "A simple motion made yesterday in the Court of Exchequer attracts attention by the singularity of its heading in the legal reports of this morning's papers—'— *v.* —.' It was merely an application to substitute service of a summons and plaint in ejectment by sending a copy to the defendant's address through the Post-office, and advertising it in the local journal. But the circumstances which rendered the application necessary, as disclosed in the statements of the plaintiff's counsel, give a truer picture of the lamentable condition of the country, the paralysis of the law, and the utter subversion of all the feelings of right and justice in the minds of the agricultural population, than any number of sensational orations. The defendant holds a farm, in which he has no legal interest, and for which he refuses to pay rent. The landlord has offered him £200 for giving up peaceable possession, which he refuses to do, and the owner of the soil can get neither rent nor land. He is, therefore, obliged to institute legal proceedings for the recovery of possession, but is stopped *in limine* by a formidable difficulty—such is the state of feeling in the country that no process-server or bailiff—and those who follow this dangerous and unpopular avocation in Ireland are a shrewd, crafty, and daring class of men—can be induced to serve the process, although large remuneration has been offered for the discharge of the duty. The presiding Judges (the Chief Baron and Baron Deasy) reserved their decision on the motion, wishing to consult their learned brethren on so exceptional a case, and for the sake of the landlord on whose behalf the motion was made it was considered prudent not to allow the names of the parties, or that of the locality, nor even of the county in which it is situated, to transpire in court. Hence the anonymous heading under which the report appears."

My Lords, a statement has been made to me, on authority which I cannot doubt, that it was desired the other day to have a property in the South of Ireland surveyed. Application was made to an eminent surveyor in Dublin to go down in the usual way and make the survey; but he replied that it would be as much as his life was worth, and he would do nothing of the kind. The same letter tells me that an estate being put up for sale in the Landed Estates Court at Dublin, the Judge said that he would not allow the sale, for it was idle to suppose that in the present state of Ireland any sale of the kind could take place with fairness. Again, I read in a newspaper, which vouches both for the respectability and for the means of information of the gentleman who makes the statement, although, for the reason to which I have just referred, the names are not given, and sometimes not the locality, the following:—

> "The reign of terror has been completely established in the county Meath. Five respective farmers in the parish of Athboy found, on Monday morning, the 31st of January, a grave dug in the centre of one of their fields, and a part of the field dug up and marked for potato ridges. A threatening letter was left in the grave, stating that this field must be broken up and set for potato land, or else the tenant would be buried in that grave. On Sunday evening last a party of eight men, well armed with revolvers, entered the gate lodge of the Earl of Darnley's place, at Clifton Lodge in Athboy parish, and, presenting a revolver at the head of the gate-keeper, compelled him to give up his gun. Parties were heard with regular measured tread parading the roads all Sunday night, to the great terror of the inhabitants of the houses by the roadside, and several doors were violently shaken by the marauders, and attempted to be forced open. It is well known that a gentleman of large property in this county is entirely confined to his house, and obliged to take exercise by walking up and down a passage in the centre of his house, in which there is no window opening to the outside of the house. He had asked a party of ladies to his house to go to the Kells ball. They were warned they would be shot if they went from that to the ball, and were obliged to remain at home. Several ladies who were in the habit of paying morning visits at the house received threatening letters to warn them not to do so in future. Several gentlemen residing on their properties in the county are obliged to walk about their own fields, looking at their cattle, with two policemen accompanying them. Nine men on Sunday night attacked the house of Mr. Anthony Dunne, of Clonbarron, near Athboy, and took a double-barrelled gun, worth £20. The priest of the parish is afraid to say a word in his chapel against the marauders for fear he would be shot. Some of the police have an intention to resign, lest they might be shot from behind a hedge when patrolling the roads at night. In short, the reign of terror is completely established, and no man would dare to prosecute parties that take their guns, for their lives would be the forfeit. Several cars proceeding from the town of Athboy to Kells to attend a recent fair were stopped in open daylight by armed men, who jumped over the hedge and scrutinized all the occupants of the cars, to find one man they wanted to beat, but he was not on the cars. That very active sub-inspector, Mr. Murphy, was out all day on Monday with the police, scouring the country and searching for arms, but without effect."

My Lords, these statements might be multiplied; but I have read enough to show what is the present state of Ireland. The question, however, naturally occurs, what is the cause of this state of things which I have thus inadequately endeavoured to describe? My Lords, I observe there is great anxiety on the part of some who deal with this important question to make it clear that, whatever may be the cause, it has nothing to do with the legislation which was concluded in the last Session of Parliament. The noble Earl who seconded the Address referred to that legislation; and it seemed to me was anxious to show that no connection could be traced between that legislation and the present state of the country. My Lords, I am not going to inquire whether that legislation has had anything to do with the present state of Ireland; but I would venture to point out that for those who are anxious to disconnect the two subjects it is not enough to say—as I observe many persons now say—we never expected that the measure of last year would produce peace and harmony. The perorations still ringing in our ears of "messages of peace to Ireland," of "the contentment and satisfaction of the country" are now all forgotten by these persons, and they tell us now that it never entered into their minds that it would give contentment and peace to that country, or that the peace of Ireland would be secured or even generally promoted by that measure. But the difficulty these persons have to contend with is this—the state of the case is not that Ireland remains in the unsatisfied condition she was in before the Act of last year, but that there has been a large and extended increase in the agitation throughout the country. I observe that a Member of the Government—the Vice President of the Committee of Council of Education (Mr. W. E. Forster)—the other day gave an explanation on this subject—I do not know whether Her Majesty's Ministers agree with him, but his explanation was this:—He said, my view of the case is that all the outrage and violence occurring in Ireland at present arise from the Fenian agitators. Those persons, he argued, live by agitation; they are very unwilling that good measures should be passed which should have the effect of restoring order and tranquillity; as long as the late Government were in Office, they knew very well no good measures would be passed, and therefore they might be quiet; but now a Government is in Office that is sure to pass good measures and satisfy the country, therefore they have become very much alarmed, and are straining every effort to prevent such measures being passed. That was the explanation of the Vice President of the Council. But, my Lords, it appears to me that there is this difficulty about that explanation—it is without foundation both as regards its facts and its reasoning. As regards facts, it is not the case that these Fenians were quiet while the late Government were in Office. Just the opposite—they were extremely violent. But the difference was that the late Government obtained powers to deal with them and suppress the insurrection; and they succeeded. But with regard to the reasoning, the explanation is still more peculiar. In the speech we have before us, the Royal Commissioners tell us there is this unsatisfactory state of things that prevails throughout the whole of Ireland, that crime and outrage have extended, and they proceed to confess that this state of things cannot be grappled with, because, from the indisposition on the part of the mass of the population, there is an impossibility of obtaining information to detect crime. The theory, therefore, of the Vice President of the Council must be that not only a few agitators, but the mass of the people of Ireland are under the impression that measures which are good for them are about to be passed—the mass of the people are unwilling that good measures in their own interests should be passed—and, therefore, they are agitating the country in order to prevent those measures being passed. Now, my Lords, I think, we may find a good deal much nearer home that will assist us in explaining this point. We may find a good deal both in the declarations and conduct of the Government which will go far to account for the state of agitation that at this moment prevails in Ireland. My Lords, the agitation is a land agitation. We know, as a matter of history, that at all times and in all countries there is no kind of agitation which ever has been so serious or so difficult to deal with as an agitation on the subject of land. It is extremely captivating. It comes home to a great number of people. It comes home to those who occupy land, and it comes home to those who desire to occupy it. It comes home to those who have very little to lose and a great deal to gain. It comes home to those who are anxious for change in the hope that through change they may obtain some advantage to themselves. It is an agitation in which, of all others, wild and visionary views are sure to be put forward; and in which wild and visionary views, stated with ambiguity and plausibility, can be made extremely captivating to the great mass of the people. I do not mean to say that a Government may not feel it their duty to deal with and modify the laws in regard to the tenure of land—it is quite clear that occasions may arise in which they ought to deal with and modify them; but I maintain there is a first duty incumbent on the Government on this subject, and it is this—if they are about to deal with the laws relating to the tenure and occupation of land—it may be that they may not be in a position to state at the moment the form and manner in which they intend to deal with them—but I maintain it is their duty to let it be known at once, clearly and explicitly, what are the evils which they have discovered, and which they think ought to be remedied; to let it be known that their measure, whatever its details, will be directed to remedy those evils, and to no other purpose, and to make it clear that no agitation and no excitement will induce them to go beyond the remedying of those evils which alone call for amendment. My Lords, if they do not adopt this course—if the Government bring a general impeachment and accusation against the land laws and the landlords of the country—if they throw down into the arena so important a subject to be torn to pieces by every comer—if they allow it to be supposed that just in proportion to the excitement and agitation so will be the concessions on the part of the Government—I say if the Government adopt that course they act in the very way to invite excitement and agitation, and they are in no small degree responsible for the agitation that exists. Let us look for a moment both at the statements made and the conduct held by Her Majesty's Ministers on this subject. I pass by the theories and suggestions put forward by journalists and pamphleteers, and I ask what have been the announcements of Her Majesty's Ministers during the fourteen months in which this subject has been exciting the minds of the people? What have been the representations made by them of the measures they desire to introduce on this subject? We all remember the Prime Minister's statement. He said there was the great and evil tree in Ireland with its three branches—the Church, the Land, and Education—he and those associated with him were banded together to overthrow the system of Protestant ascendancy which was represented by that tree—a few strokes more and that tree would be prostrate on the ground. And we remember at the same time two other declarations from the same quarter—Ireland must be governed according to Irish ideas; and the chief reason why, in the year 1866, when the present Prime Minister was before in Office, he did not address himself to the question of the Irish Church was that he was at that time ignorant of the extent and intensity of Fenianism. Now, my Lords, from these three declarations I ask you what must have been the view entertained by the peasants and population of Ireland. Here, they would naturally say, we have a Minister who holds the opinion that the Church, Land, and Education are all branches of the same tree; he desires to overthrow that tree, and hopes to accomplish it; if he overthrows the tree, he will overthrow the branches. He has already overthrown the Church. He is willing to govern Ireland according to Irish ideas, but he could not be made to take the first step for the overthrow of one of these branches until he became aware of the extent and intensity of Fenianism. What then must we, the people of Ireland, do? Surely, they would say, the way to induce him to take the step which he is willing on pressure to take, is by agitation, and if necessary by means more forcible than agitation. But, my Lords, let us turn to another and very important Member of Her Majesty's Government—a right hon. Gentleman of whom I desire to speak with great respect, both on account of his ability, and because, however I may differ from him, I believe the propositions he has made with respect to Ireland proceed from a sincere desire for the good of that country, and because he has stated that, so far as he is concerned, he would be no party to any measure which he considered unjustifiable, as taking property from one class or section of the people to give it to another. I refer to Mr. Bright. But what has he said? That, in his opinion, there never could and never ought to be any contentment in Ireland until the population were placed in greater numbers in possession of the soil of their country. At a later period he has told the Irish people that Government were prepared to offer them free land. Now, I do not understand what the Government may mean by the expression "free land," but I ask what would an Irish peasant understand by "free land?" What is a "free house" or a "free garden" to a peasant?" And would not the Irish people believe that Mr. Bright is of opinion that the population of Ireland should be placed in possession of the soil of the country, and that to this end they would be offered land for which they would not have to pay. Again, the noble Earl the Secretary for Foreign Affairs, whom I am sorry to say I do not see in the House to-night, made use of a phrase—accompanied, it is true, by certain qualifications, and I am convinced he never intended to utter the words with the meaning which has since been attributed to them—the noble Earl speaking of certain hypothetical acts supposed about to be perpetrated by landlords, characterized them as "felonious acts." What has been the consequence? The words have rung from one end of Ireland to the other; it has been repeated over and over again, and the peasants have been taught to believe that the landlords of Ireland are "felonious" or "felons," and I observe that the ingenious argument has been made use of in that country that, as according to law it is legal to resist felony to the last extremity, *ergo* it is allowable to resist the landlords of Ireland to the last extremity, though that should be death. These are literally, so far as I know, the only declarations made by the Government as to the views they entertain with regard to legislation on this subject during the last fourteen months of agitation and excitement.

But I will now pass from the expressions to the conduct of the Government. I have given to your Lordships some statistics as to outrages in Ireland. I maintain that the first duty of the Government — the object for which Government exists, and which constitutes its justification for being a Government —is that it should repress outrages and should enforce security for property and life. I regret to say that, in my opinion, the Government during the last twelve months have in Ireland abdicated their office. It might almost seem that the noble Marquess and the noble Earl, the Mover and Seconder of the Address, spoke in irony when they mentioned the firm administration of law in that country. The same Member of the Government to whom I have already referred (Mr. Forster) expressed his opinion that outrage should be punished in Ireland in the same manner as in England and Scotland. Could those words have any meaning? Has there been any firm administration of the law for the last twelve months? There has been law in abundance on the statute book, but has there been any point of contact between the law and the offenders against the law—has there been an instance in which the law in Ireland has, by a firm administration, been brought to bear on the men who have violated the law? There has been no law in Ireland for the last twelve months in reference to the matters I am now alluding to but the law of assassination and sedition. We see the Press teeming every week with articles seditious and rebellious to a degree which would not, I believe, be permitted in any other country in Europe. What more have we seen? We have seen men who were convicted and imprisoned not long ago for offences of which they were guilty, and were a twelvemonth since released by what I hold to have been a mistaken exercise of leniency, publishing articles exciting to outrage, and exhorting the youth of Ireland to arm and drill in order to drive what they term the invaders from the soil. We have seen platforms on which speakers — and some of them, I grieve to say, ministers of religion — have uttered words and offered advice which, however ingeniously interlarded with negatives and qualifications, could have no other effect on the minds of those who heard the advice than that of excusing or exciting to outrage or assassination. We have seen—by the catalogue of black crimes to which I have referred—a crop spring up such as might have been expected from the seed that was sown, and which the Government is powerless to check;

or, if they have the power, they have not exercised it for the repression by punishment of those outrages in any single instance.

My Lords, if ever a Government were without excuse for allowing this state of things to continue it is the present Government. It is the boast of the present Government that they are a strong Government, and that they have a large majority in the House of Commons. The Government came into Office by the voice of a Parliament elected on the broadest suffrage ever known in this country. They boast that they represent the opinions of the people of the country. Now, I want to know—are the Government of opinion that the people of this country desire that Ireland should be governed? I believe that the people of this country have that desire. I believe that, whatever may be their individual wishes and opinions respecting the best method of healing the discontent of Ireland, they are unanimous in their dissatisfaction at the absence of proper government in that country—and in their desire that, whatever measures may be required, outrage and disorder in Ireland should be repressed. Well, then, have the Government at present sufficient powers? It is rather difficult for us perhaps to form a definite opinion on that point, and we have not heard from the Government that they want further powers; but I say that if powers be lacking, it is the duty of the Government, without delay, to ask for what further powers may be requisite. It has been suggested that the suspension of the Habeas Corpus Act would not be sufficient to deal with cases of isolated outrage and assassination. But if that suspension be not sufficient and some further powers are necessary, it is the duty of the Government to ask for even further powers. There have been instances even in the modern history of this country when powers greater than those supplied by the suspension of the Habeas Corpus Act have been asked for by the Government and conceded. But, my Lords, I cannot help fearing that the Government have not themselves made up their own minds as to what course they ought to pursue. I read the other day a representation made by the magistrates of Meath to the Chief Secretary for Ireland. They described the state of the country and applied to him to put them in a position to check the outrages prevailing. I also read the answer of the Chief Secretary, and I confess I read it with some surprise. He acknowledged the receipt of their memorial, and then, in what appeared to me, the bewilderment of incapacity, the Chief Secretary appealed to the magistrates to say what they would recommend the Government to do.

My Lords, I am afraid that it is the truth, and the sad truth, that at this moment there is no country in Europe in which property and life are not more secure than in Ireland. I well recollect, my Lords, that during the debates last year on the Irish Church it was the favourite fashion of noble Lords opposite to appeal to the opinion of foreigners on the question—so much so that on one occasion my noble Friend (the Marquess of Salisbury) was prompted to refer to it very happily as "the foreign friend argument." I wish those noble Lords would think a little of that argument now. I ask them what their foreign friends at present think of the state of Ireland. Is there a country in Europe in which intelligent men are not filled with amazement at the manner in which we are governing Ireland? And I want to know what prospects there are for the future? I want to know what is the proposal of the Government for quieting that country? We are going to have a Bill on the subject of the occupation of land in Ireland. I do not wish to speculate on the nature of that Bill, and I am willing to believe, from the character of Members of the Government and the opinions expressed by them on other occasions, it will not be a Bill trenching on the rights of property or on the sound and well-established principles of political economy. But if so it is certain that the great mass of the Irish people will not be satisfied. Well, then, when you have introduced your measure and passed it into law, and when there still remains a large portion of the agitators of the country utterly dissatisfied with the measure, what security do you offer that the law will be more observed in Ireland than it is at present? I have heard, it said, for instance, that it is the intention of the Government—or at least that it would be a good thing for the Government—to institute special tribunals in Ireland to deal with questions between landlord and tenant. Supposing that be true, how are you going to bring the law to bear on the results of the decisions of those courts? Recollect what took place last year. Perhaps the saddest of the outrages perpetrated last year was that of Mr. Bradshaw. Mr. Bradshaw, a gentleman in the South of Ireland, was appointed to arbitrate upon a disputed question between a landlord and some tenants. This was, therefore, an instance of the very thing which those who are anxious for a court desire to see attained. Here was the tribunal to which they would appeal, and it existed under the most favourable form, because it had not been forced on one party or the other, but it was one to which landlord and tenants had both agreed. The arbitrator decided against the tenants; he received a threatening letter, and he was shot. If these things be done in the green tree, I wish to know if anything better is to be looked for in the dry? If you cannot enforce the law now, how will you enforce it after considerable modifications have been made in the rights of the various parties, and when there will remain agitators as vehement against the law as there are now?

The Royal Commissioners, in that paragraph of the Speech to which I have already referred, say—"The Executive Government has employed freely the means at its command for the prevention of outrage." My Lords, I own that I should be rejoiced to know in what manner the Executive Government have employed those means. We have seen no traces of their employment. We have heard of flying squadrons in the country, but we have not seen the employment of means which has led to any result. The other day I saw in the newspapers a statement which gave me some hope—the Government had dismissed an Irish magistrate and a Deputy Lieutenant. I read this paragraph while I was absent from England, and I said to myself, "At last the Government are acting; I have some hope." "No doubt," I said, "this is one of these gentlemen who has been attending seditious meetings; he has been preaching to the people about the injustice of the land laws, and calling upon them to agitate and to drive the Government to bring in an extensive measure for their benefit; or at least he has been present at a meeting where language of a violent kind had been held by some of the speakers. The Government," I said, "have done right to dismiss him, and I hope his dismissal will have a good and wholesome effect." My Lords, I am sorry to say that my sanguine expectations were deceived; the story was quite different. I discovered in the course of time that the state of facts was really this — A country gentleman, of the county of Leitrim, who had never taken any part in politics, and had seldom or never attended a public meeting, had, unfortunately for him, been one of the three names selected by the Judge of Assize to fill the office of High Sheriff of the county. In answering the communication of the Lord Lieutenant announcing the fact of his appointment, he protested against being called upon to serve as Sheriff. So far as his protesting was concerned, I do not suppose any serious blame could be imagined to attach to him for that act; certainly, in this country, every year, numerous protests come in from those who are appointed to serve the office of High Sheriff—some of them couched in strong and forcible language; some of your Lordships have occasionally assisted, as I myself have done, at an inquest into the validity of such protests; but I never heard of anyone being taken to task for sending in such a protest. The ground of the protest in this case appears to have been this — The gentleman was under the impression that, in being appointed to the office by the Government, he was in some way brought into closer relations with the Executive than he otherwise would have stood in, and disapproving, as he did very much, of the policy, or want of policy, of the Executive Government, and of the manner in which they were governing Ireland, he remonstrated, and protested against being called upon to serve under a Government between which and himself there were such serious differences of opinion. I do not agree with the gentleman in thinking that his excuse was a valid one; I do not think he was at all right, even supposing he was brought into closer relations with the Government, to imagine there need have been any conflict between his private opinions and the public duty he would have to perform. The line of action to be pursued by the Executive under the circumstances appears to me to be perfectly clear. I should have thought it was clearly a case in which the Lord Lieutenant should have overruled the protest; but the Lord Lieutenant seems to have left undone that which he ought to have done, and to have done that which he ought not to have done; he let off the gentleman from being High Sheriff, which he ought not to have done, and he dismissed him from the Deputy Lieutenancy, and obtained his dismissal by the Lord Chancellor from the Commission of the Peace. I will read to your Lordships what the gentleman said in his letter—

> "While I am fully aware the law enables the Lord Lieutenant to give such an order, I feel it my duty to enter my formal protest against being called upon to serve under the present Administration, who have conducted the affairs of my unhappy country in such a way that in less than a year we have been reduced from a state of comparative prosperity to a condition where law, order, and security, for either life or property, may be said to have practically ceased to exist, and the very fabric of society itself seems threatened with dissolution; when no man can tell whether he will be allowed to reap the fruits of his own industry, or enjoy the property which his own money has purchased on the security of titles granted under the guarantee of the State; when, too, I find myself, as an Irish Protestant landlord, in common with the rest of my brother landlords, held up by members of the Government to the hatred of our Roman Catholic neighbours as oppressors of the poor and exterminators of the people, enriching ourselves by the spoils wrung from a defenceless peasantry—when I consider these things I can only say I solemnly protest against being called upon to act as the chief guardian of the peace in the county of Leitrim."

As I have said, I admit the reasons to be insufficient, and Mr. Madden ought not to have been excused from serving the office of High Sheriff. But I ask your Lordships, is it to be understood that in this country a man may not protest against serving the office of High Sheriff, that he may not beg to be excused, and that he may not state frankly what he thinks to be the character of the policy pursued by the Government; and is it to be termed an insult, which is to incapacitate a writer for every office, that he frankly and fairly, and in words in which I can find no insult whatever, states his opinion on a question of policy? My Lords, I cannot help regretting every part of this transaction. I think in the answer of the Lord Lieutenant there is an additional and very serious error, because, after stating to this gentleman that he had removed him from the office of Deputy Lieutenant, he proceeds to state that he had requested the Lord Chancellor to consider the propriety of retaining his name on the Commission of the Peace. Observe the position in which the Lord Chancellor was placed. The Lord Chancellor had a judicial duty to perform; it was his duty, if the facts were brought before him, to determine in a judicial manner upon the course he would adopt. But the Lord Chancellor was placed in such a position that he was obliged to do one of two things—either to condemn Mr. Madden or to condemn his own Colleagues. If he had not dismissed Mr. Madden he would have condemned the Lord Lieutenant, because he had already expressed his opinion and had dismissed Mr. Madden from the office of Deputy Lieutenant; yet the farce was gone through of calling upon the Lord Chancellor to perform a judicial duty by arriving at a judgment as to which it was impossible he could arrive at any other than that at which his Colleague had already arrived. When I read the correspondence, I said, "Well, we have gone back nearly 200 years." I remembered the story of Sir Samuel Barnardiston, who, in the time of Charles II., was deprived of his property because he wrote a letter reflecting on the Government of the day; and I could not but think that we had here a repetition of the story except that Mr. Madden is removed from the Deputy Lieutenancy and from the Commission of the Peace, instead of being deprived of his property. My Lords, upon this subject I would appeal—not to the Government, who, of course, are committed by the act of their Colleague, but I would appeal with confidence to the great Liberal party of this country—to that party who are proud of their opinions and traditions—and I would ask the great Liberal party of the country, are they prepared to abide by this policy of the Government, and to hold that it is right that any man is to be deprived of the offices which he holds under the Crown because forsooth he ventures, in a manner to which it is absurd to say that any serious objection could be taken, except as regards the opinions which are expressed, to differ from the policy of the Government? I remind that great party that the question is, not whether these opinions are right or wrong—whether Mr.

Madden is right or the Government are right as regards their policy; suppose, if you please, that the opinions of Mr. Madden are altogether wrong;—but the question is whether freedom of opinion and freedom of discussion in this country are to be reduced to this—that no man, in a communication with the Government, is to express his disapproval of the acts of the Government upon the pain of losing his office. I ask the great Liberal party, if this state of things were reversed, if a Conservative Government had been in power, if a Conservative Lord Lieutenant, because some one appointed to the office of High Sheriff had expressed his disapproval of the policy of the Government, had removed him from the offices of Deputy Lieutenant and Justice of the Peace, would the great Liberal party of this country have remained tranquil and silent, and allowed the transaction to pass as one consistent with the great and high principles which they have always upheld? Look what the Government have exposed themselves to. What has happened since the Lord Chancellor has thus dealt with Mr. Madden? Why, forty or fifty magistrates surrounding him, of the same county and the adjacent county, met together, agreed to a declaration, and flung it in the face of the Lord Lieutenant; they said, in effect—"With every word of Mr. Madden we agree; his opinions are ours; dismiss us if you choose." Could the Lord Lieutenant venture to do it? He knows he could not, and the Government know they could not; and by the rash and incautious step they have taken they have allowed this insult to be flung in their face.

But there is something further. The county of Leitrim is a happy county; it possesses both a High Sheriff and a Lord Lieutenant; and the Lord Lieutenant of Leitrim (the Earl of Granard) is a Member of this House; but I have no charge to bring against him, and all I have to say has reference to Her Majesty's Government. The Lord Lieutenant of the county of Leitrim will surely have dealt out to him the same measure of justice that the High Sheriff and Deputy Lieutenant had meted out to him. I find the Lord Lieutenant of the county of Leitrim holds a meeting, at which he presides, and the meeting is held at Enniscorthy, which is close to Vinegar Hill. In opening the meeting the Lord Lieutenant is reported to have said—

> "I am proud to address you on this classic ground"—I am not quite sure what is meant by applying the term "classic ground" to Vinegar Hill—"I am proud to address you on this classic ground, teeming as it does with the associations of the past and the aspirations of the present, within view of that historic hill where your fathers, lashed into armed resistance by the injustice of the times, made their last gallant stand."

My Lords, there is indeed a chapter—a dark chapter—in the history of Ireland—in which the narrative of Vinegar Hill may be read. I should have thought anyone connected with Ireland would have been glad to have thrown around that chapter the veil of concealment and oblivion. It is a chapter with not only chronicled acts of rebellion: it is a chapter of the vilest cruelty that, perhaps, was ever practised in any war—above all in any civil war. It is a chapter the very mention of which recalls to the minds of Irishmen memories of the direst animosity, of the deepest hostility, and of feelings which I am sure all of us desire to see buried in forgetfulness. Yet the Lord Lieutenant of Leitrim thought it not improper to speak of Vinegar Hill and its traditions, and to rejoice in the opportunity of reminding those around him what those traditions were. I ask again here—because sometimes if we reverse a case we get a better illustration of the argument—suppose the Lord Lieutenant of a northern county had assembled another county meeting upon the field of the Battle of the Boyne, which is connected with histories in which this country takes some interest and feels some pride; and suppose he had said that he was glad to meet upon that classic ground and to remind those around him of traditions and memories connected with that spot, and of those feelings which we all know some Irishmen are ready enough to cherish—suppose this had been done, I ask, would the Liberal party have been satisfied with the Government which did not call that Lord Lieutenant to account, and inform him that he had mistaken his duty, which was to preserve the peace of the county, when he resorted to expressions and speeches which, of all others, were calculated to excite animosity? And that is not all. For at the same or another meeting, over which the same Lord Lieutenant (the Earl of Granard) presided, a minister of religion spoke, and this was what the Lord Lieutenant of the county Leitrim, charged with the preservation of the peace of the county, was found ready and willing to listen to—

> "The Rev. Mr. Doyle, P.P., told the landlords that the people would have no more patience with them, that their crimes had gone too far, that they had robbed too long, and that their conduct would not be tolerated any longer. He denied their right to an absolute ownership of the soil, and maintained that the land was created, not for kings or governors, or an aristocracy, but for the people, and that no Government on earth had anything but a conditional right to it. He remarked that a great change was coming over the people. He himself was terrified at some things he had witnessed. He declared that he had nothing but a feeling of kindness for the landlords, but he warned them of the influence of certain messages which came across the Atlantic. He read one of these messages, which was from John Mitchell, a man, he said, who had perhaps greater influence with the Irish race than any living Irishman. Mr. Mitchell had written recently in his paper as follows:—'If the landlord evict you, shoot him like a mad dog.' He (the Rev. Mr. Doyle) did not approve that, but yet the landlords should deal with it as a fact, and a very important fact. Mr. Mitchell continued:—'If the landlord hides in London, shoot the agent; and if you cannot shoot the agent, shoot the bailiff, or all three together.' He said he did not read this as a threat; but with such advice coming from the American Press, he saw that, unless a radical change be made, there will be terrible work in the country. The meeting loudly applauded during the reading of the extract."

And the Lord Lieutenant was in the chair. *Sic vos non vobis.* It is the old story of the chief butler and the chief baker; the chief baker is hung, while the chief butler is patted on the back and promoted.

My Lords, the noble Marquess who addressed us first this evening (the Marquess of Huntly) said that he hoped the legislation about to be submitted to us on the subject of the land would not be treated as a party question. My Lords, I do not know why it should be treated as a party question. Whatever differences of opinion have prevailed with regard to them, measures for the purpose of improving the relations of landlord and tenant in Ireland have been submitted by both sides of the House, and we have always dealt openly, fairly, and candidly with the question. But while making this remark I must be permitted to say that if there was any one person who could have succeeded in turning this into a party question, that person is the Prime Minister himself, by that speech of his to which I have already referred. He not only made this a party question, but a religious question; and, my Lords, if it should become a party question—a consummation I shall deeply regret—the Prime Minister will have himself to blame for it. My, Lords, how far the Bill of the Government will be accepted by your Lordships will, I have no doubt, depend on the contents of the Bill; but if the meaning of the hope expressed by the noble Marquess be that the measure, whatever it be, shall not be criticized in any hostile spirit, I will answer for this side of the House, that we will approach the subject in an earnest, in a patient, and in an impartial spirit. We will endeavour to discover what are the real evils to be remedied. We will not assume them, as I think the noble Marquess was perhaps prone to do. We will consider what those evils are, and we will endeavour, by legislation fitted for the purpose, to remedy those evils. But, my Lords, as regards the past, as regards the months which have gone by, and as regards the present condition of Ireland, I for my part should feel that I had not properly discharged my duty if I did not place upon record my solemn protest that, however strong a Government may be, however numerous may be its followers, and however great the ability of its members, that Government has not deserved well of its country which has not succeeded in realizing the first end and object of civilization—the repression of outrage, and the security of property and life.

Earl GRANVILLE: My Lords, I must ask your Lordships' indulgence throughout the very few observations that I am about to make, as I am suffering from the effects of a very common and uninteresting indisposition which rather clouds one's thoughts and makes it very difficult to convey them to others. My Lords, the noble and learned Lord (Lord Cairns) will not, I hope, think it presumptuous on my part if I express my sincere gratification in hearing him again in the position which he occupied at the prorogation of Parliament. For nearly forty years the great Conservative party in this House was led, first by one of the great characters in our history, and afterwards by a noble Earl who was lost to the country this autumn (the Earl of Derby), and who, whatever our opinions may be as to his political opinions, was, as we are all ready to admit, one of the most brilliant ornaments of this House. For the last two years the great majority of your Lordships have followed two Leaders; and during this autumn, up to within a very few days ago, we have been disquieted by the announcement that the Conservative party in this House was without a Leader. All the details were given to us. We were told that the noble and learned Lord (Lord Cairns) felt that his judicial duties were incompatible with those of a political leader in this Assembly. We were further told that some Peers were a little too exclusive in their political opinions; some preferred to remain in a private capacity, and others were too modest as to their possession of the qualities which would enable them to undertake this office. Now, it might seem at first sight that such a state of anarchy in the Opposition, if it had been continued to the end, would have been an advantage to Her Majesty's Government; but, in fact, however strongly I feel the gravity of having opposed to me a noble Lord of such powers as the noble and learned Lord, I am quite sure that nothing could be worse for the Government, nor for the Conservative party itself than that that party should remain without a Leader, without discipline, and liable to be carried away by any sudden impulse. My Lords, the noble and learned Lord alluded to the shortness of the paragraph in the Speech upon foreign affairs as inindicating a very satisfactory state of things. I am sorry that the indisposition which is now so rife prevented my noble Friend the Secretary for Foreign Affairs (the Earl of Clarendon) from hearing this implied compliment. On the other hand, the noble and learned Lord said that the very short paragraph with regard to colonial affairs is not satisfactory, and that it is a matter of surprise and regret that when there existed in the colonies feelings of alarm with regard to their relations to the mother country, something reassuring was not said in Her Majesty's Speech. Now, my Lords, the Speech is not unusually short; I am quite sure it is not unusually deficient in matter, and to bring in merely commonplace sentiments because certain persons, absolutely without foundation, have declared that Her Majesty has been advised to separate herself from her colonies, would, I think, be unworthy of any English Minister. Then, my Lords, with regard to the working classes, in whom we all feel a deep interest, the noble and learned Lord guarded himself against giving support to any exaggerations as to their distressed state; and the truth is, as I believe, that there are indications of improvement in our great staple trades, and though undoubtedly in Lancashire and in portions of London great distress exists, we believe there are symptoms that a turn is being taken, and that better things may be expected. I will not now go over the very short review which the noble and learned Lord has made with respect to the various measures which Her Majesty's Government are about to introduce, but I will confine what I have to say to the comments which fell from the noble and learned Lord with regard to the paragraph in the Speech from the Throne which relates to the prevalence of crime and outrage in Ireland. Nobody is more willing than I am to admit the admirable qualities which the noble and learned Lord possesses as a party leader; but in the criticisms which I sometimes heard urged last Session against his qualifications for that position it was suggested that, though full of legal and other knowledge, he wanted something of that lightness and airiness by which the speeches of chiefs of Opposition are sometimes distinguished. The noble and learned Lord to-night has shown that the criticism was not quite well founded, and that he is not wanting even in those qualities; but I think it somewhat unfortunate that he should have chosen for the display of his fancy a paragraph which relates to a subject so serious and solemn as that which I have just mentioned. For the long hypothetical account which he gave your Lordships as to the manner in which that paragraph was composed, there is not the slightest foundation in fact, though there might be much in fancy. As to the noble and learned Lord's general discussion of the state of crime and outrage in Ireland, I must, however, admit that there is in it nothing which I am in a position to contradict. The state of that country is, no doubt, in that respect most unsatisfactory. I thought it, however, quite unnecessary, as adding nothing to the strength of his arguments, for him to treat us to a great number of isolated facts, collected from newspapers, some of them true, some of them probably false, but all of them quite irrelevant as regards their connection with the state of Ireland; and I think we need not have been treated to them. With regard to the crimes and outrages, and the difficulty of punishing them, I am not here to deny or to diminish in the slightest degree their enormity; but the noble and learned Lord went on from his description of those things to give us his views respecting them; and, in doing so, he entirely denied what Mr. Forster mentioned the other day in the country, and with which I entirely agree, that the Fenians would wait when no remedial measures were proposed, but could not wait now. There is much difficulty even in the case of those who are best acquainted with Ireland of tracing the lines of demarcation between Fenianism and Ribbonism. I believe that these are distinct in some cases, but that in others they tend to act and re-act upon each other. I entirely agree with Mr. Forster, and disagree with the noble and learned Lord, if he thinks that the Fenians are not most heartily opposed to all that is judicious, and reasonable, and wise in the measures of improvement which Her Majesty's Government have effected, both with respect to the Established Church of Ireland and the improvements we hope to effect on the vital question of the land. You may depend upon it that no party in the State is so anxious as those very Fenians that the grievances on which their influence depends should continue, and that no party would be so completely discomfited as they would be by the passing of a good Tenant Right Bill. But the noble and learned Lord, treating the subject of agrarian outrage in Ireland as if it were a thing really quite new, has again referred to the speeches of Mr. Gladstone and Mr. Bright, and has quoted their words as if they were calculated to create those wild expectations which, as his party have maintained, have been raised in the minds of the Irish people in consequence of those speeches. The noble and learned Lord quoted portions of those speeches *verbatim* to us last year. I will not, however, enter into a discussion of those words beyond saying—as, indeed, I said last year—that if they did engender such feelings as the noble and learned Lord seems to imagine, they were increased, and will be increased, by the vague and general gloss which the noble and learned Lord and others have put upon those statements. These remarks he has repeated, forgetful that I, myself, last year, made a statement denying that the Government were going to do some of the things attributed to them, and that I adopted the very words which the noble Earl (the Earl of Derby) had stated would be sufficient to dispel such a belief. But the noble and learned Lord went further. He said that it was not only the Government that was the cause of this unhappy state of things in Ireland, but that we were wanting in the very first duties of a Government in not establishing peace and order in that country. The noble and learned Lord went on to give us a catalogue of the crimes which have been committed, and told us that we have failed to punish them. He treated with extreme ridicule the answer which the Chief Secretary for Ireland gave to the magistrates who desired that the law should be put in force, by asking them how they could do it? My Lords, Sir Robert Peel once said—"Call me in and I will prescribe," and such an answer is perfectly just where a party is prepared to form a Government. But it certainly does appear to me inconceivable, in such a state of things as we are referring to, the leader of the Opposition should have a remedy for the evils which he deplores, and yet should abstain from mentioning what that remedy is. Does the noble and learned Lord forget the great difficulty which there is in procuring the necessary evidence to enable the Government to deal effectually with the outrages to which he has called our attention to-night? If he is aware of any means by which that evidence can be produced, and if he knows how these crimes can be repressed, it would, I think, be but patriotic in him to give Her Majesty's Government some hint, either privately or in public, as to the means by which an object so desirable could be accomplished. But more than that, I should be glad to know what was the advice which he gave when the Government of the day had to deal with the case of Mr. Scully. I believe that case to be the most unfortunate that has yet arisen; that it has given more encouragement to the Fenian cause than anything that has occurred—it is most unfortunate in every way. Now, that murder was effected in consequence of the careless arrangements made by the authorities. What steps did the late Government take to bring those who committed the outrage in that case to justice? Again, there was—I think it was in 1867—the case of Mr. Duffy, when the Peace Preservation Act was put in force, and an additional police force sent into the district where the crime was committed; the expenses of so doing were charged upon the district. He refused to pay them, and from 1867 to the time when the present Government came into power no measures were taken to enforce the payment. I do not wish to enter into recrimination in these matters, but I do say it is not fair to weaken the Government in Ireland by these violent accusations, and entirely shut your eyes to the difficulties that took place before we came into power. The noble and learned Lord left it particularly vague whether the Government had or had not put sufficiently into exercise the powers they already possess, or whether they should have had recourse to the suspension of the Habeas Corpus Act. Now, with regard to the powers we possess, I can say there is no power that we have which we have not put into execution, with one exception, which I shall shortly touch upon. We have increased the military and the police, we have doubled the patrols, and have charged their maintenance upon the districts. One question has been asked, which I read the other day in the *Autobiography of Earl Russell*, who asks why, following his example, we did not proclaim some of the districts of Ireland? Our answer is, that at this moment there are only two counties—Down and Antrim—that have escaped. And when the noble and learned Lord takes upon himself to blame Her Majesty's Government for not instituting Press prosecutions, I think he takes some responsibility upon himself—speaking, as he always does, with authority—because he must know the seriousness of such an undertaking, with all its possible contingencies. My Lords, Her Majesty's Government have not felt lightly their responsibility with respect to Ireland. It is melancholy to see what is occurring there, in a country which, in many ways, has improved in prosperity, in all the elements which constitute the elements of civilization, well-being, and safety of a State. Cabinet Councils have been held on the subject, and we have been in communication with the Irish Government as to the expediency of its being intrusted with additional powers, and we should not have hesitated to summon Parliament together at an earlier period to furnish us with those powers had we deemed such a course to be expedient and necessary. In 1851 and 1852, for instance, the state of things was much worse than it is now. In the latter year the late Lord Derby, in criticizing the Speech from the Throne, said he should have been satisfied if it had contained expressions in reference to Ireland almost identical with those which have been introduced into the Royal Speech on the present occasion. Your Lordships ought not to forget that, however bad may be the existing state of Ireland, things have been worse in former times. I would refer in particular to the year 1833, when a severe measure of coercion received the sanction of the Legislature. I may just mention, however, with regard to that Act, that one of its principal provisions does not exactly meet one of the great difficulties of the present time, for it is useless to establish a court-martial unless you can obtain evidence to be laid before it. Again, in 1847, Sir George Grey gave a most frightful account of the crime and outrage prevailing in Ireland. The powers conferred by the Peace Preservation Act itself have, indeed, in a slightly modified form continued in existence to the present day. In 1852, after Lord Derby's Government came into Office, no steps were taken by them, although crime and outrage prevailed in Ireland to a much wider extent than it does now; and I am not aware of any of the powers conferred which Her Majesty's Government have not put into execution. Further, there have been greater agrarian outrages since this Act than there are now. I think that it is always unadvisable to strain the constitution of the country without absolute necessity; but I would guard myself from conveying to those misguided men who are working the ruin of their country that Her Majesty's Government would think it impossible in certain cases and in a certain manner to deal with a state of things in Ireland that is intolerable there. The noble and learned Lord opposite spoke with the greatest warmth when he touched upon the circumstance of Mr. Madden's name having been removed from the Commission of the Peace in consequence of the course he thought fit to adopt. After referring to an historical incident which occurred 200 years ago, the noble and learned Lord made an appeal to the great Liberal party, and asked whether it was tolerable that a gentleman should be deprived of a public office merely because he had made use of violent language against the policy of the Government of the day. But I would in turn ask the noble and learned Lord whether many other persons, besides Mr. Madden, have not recently used violent language in the north of Ireland? Some Conservatives, indeed, have uttered language, which, in my judgment, was absolutely disloyal, and have even gone so far as to rejoice in Fenian successes. I am not sure that the noble Duke (the Duke of Hamilton) took a wise or judicious course, considering his position as a representative of the late Government, in crossing the Channel and using language which decidedly had not a tendency either to create harmony between different religious creeds or to give strength to the Government which was then charged with the maintenance of peace and order in that country. I am not going into a minute examination of what different persons on either side of the Channel may have said in public, but I mention that in no instance has Her Majesty's Government taken notice of language used in times of public excitement on one side or the other merely because it was disagreeable to themselves. But when Mr. Madden chose to decline to serve an office which the laws required him to assume, and couched his refusal in language of a character tending to bring all government into disrepute, I think it was the undoubted right and duty of Her Majesty's Government to take notice of such language, which was perfectly distinct and different from violent words uttered without reference to the Crown, but merely attacking the conduct of Her Majesty's Government. The noble and learned Lord at first disclaimed all intention of making an attack on Lord Granard, though he afterwards made what I regard as a very strong attack upon the noble Earl. Complaints have been made on previous occasions as to no notice having been given of charges about to be made. Now, I should like to know whether the noble and learned Lord gave Lord Granard, who I believe is detained in Ireland by the sickness of his wife, the slightest notice of his intention to bring so weighty a charge against him, and also whether he has really taken any pains to verify the accuracy of the report to which he alluded. With regard to the noble and learned Lord's expressions concerning party feeling, although I regretted to hear him bring an unfounded charge against Mr. Gladstone of having introduced party feeling in a question of great national importance, yet I listened with great pleasure to his declaration that your Lordships really do mean to look at this most grave subject of the tenure of land in Ireland free from all prejudice and from all party feeling. There are, indeed, occasions on which party feeling should be in a great degree subjugated in consideration of the great public importance of the questions brought forward, and I am sure the measure now about to be introduced is one of the gravest character. I cannot sit down without saying how much I admired the remarks of the noble Earl who seconded the Address (the Earl of Fingall), and who spoke with great authority and knowledge of the subject, and also the speech of my Friend the noble Marquess who preceded him. In conclusion, I have to gratefully accept the assurance of the noble and learned Lord that he and those with whom he acts will disregard party feeling while assisting in our deliberations.

Earl GREY: My Lords, is it or is it not true, as the noble and learned Lord behind me has stated, that for some months there has been in Ireland a practical suspension of all laws and of all security? For my part I think no one can have listened to the documents he read without being convinced that it is. My noble Friend opposite (Earl Granville) says that crime and outrage have prevailed heretofore in Ireland. No doubt they have, and at some periods they have been very common; but, as far as I am aware, it now happens for the first time that there has pervaded the whole country a general sense of the powerlessness of the law, and a general feeling that the Government is insufficient to protect the peaceable and well-disposed subjects of Her Majesty. It is no longer a question of agrarian outrage. As the noble and learned Lord told your Lordships, these people now actually threaten the Judges of the land and counsel for acting in the discharge of their duty, and positively attempt to ill-use jurymen for having honestly discharged their duty. We hear, too, of persons in business not being allowed freedom in engaging or dismissing the persons in their employ. We are even told of an unfortunate man who was actually murdered for no other offence than that he was a more enterprizing dealer in eggs than his neighbours. How, I ask, can the great natural resources of the country be developed as long as a man is unable to carry on his trade or business without rendering himself liable to be shot if he ventures to be more enterprizing than his neighbours? No doubt the great misfortune of Ireland has long been that there is no occupation for the people but the cultivation of the land; and what has been at the bottom of agrarian outrage is the intense desire for land created by the want of any other means of earning a subsistence. But, then, how can other employments grow up, and how can internal resources be developed in Ireland so long as there is no security for life or property? And then we are told, in Her Majesty's Message, that we are to trust mainly to an improvement in the law of landlord and tenant. Now, the law of landlord and tenant is not different from what it was some years ago, and yet every one acknowledges that up to the year 1868 there had been for some time a great diminution of agrarian outrage, a growing feeling of security, and generally an improvement in the industry and trade of Ireland. What has checked this? My Lords, I fear we shall find that the real cause is associated with that measure of last Session relating to the Church in Ireland; which, unhappily, though a wholesome measure in itself, was carried through Parliament in a manner which has created in the minds of the Irish people the persuasion that they owe that measure not to a sense of justice on the part of the Government and Parliament in England, but to intimidation and to the necessities of party government. That fatal impression was created by the manner in which those who are now Her Majesty's Ministers dealt with that question in 1866, and then in 1868 and 1869, and the evil has been greatly increased, as I ventured to say last year it would be, by the injudicious language on the land question—the imprudent and dangerous language — of persons in high authority. I ventured to say last year that such language could not fail in the ensuing winter to produce a crop of outrages, for which, in my opinion, the members of Her Majesty's Government would be, to a great extent, morally responsible. My Lords, what has since happened has confirmed me in that opinion, and it does appear to me that, while I quite agree in the absolute necessity of dealing with the land question in Ireland, still I say that even before you do that Government is bound to show that we are prepared to assert the authority of the law. There is no shifting from the responsibility. Either the laws for insuring order are sufficient, or they are not. If they are sufficient, why have they not been used to create a greater sense of security? If they are insufficient, why is there any delay in remedying the insufficiency? Why is this vague intimation held out to us that hereafter perhaps we may be asked for for extended powers? Why is there any delay in proposing measures, however severe they may be, which are necessary for protecting the loyal subjects of the Crown? I say Government is not doing its duty in this matter. My noble Friend (Earl Granville) has referred to the winter of 1847 when outrages were frequent, and he has told us that the measures which were thought necessary at that time for the preservation of order and were adopted by Parliament are substantially in force still. Now, my Lords, that may be perfectly true; but let me remind my noble Friend that, although those measures were successful then, they may not be adapted to a new state of things; and if new exigencies have arisen, and the powers at present in existence are insufficient, then, following the example of the period referred to, new measures should be passed to supply the deficiency. It is quite unworthy of statesmen, unworthy of men holding high positions in the Government of this country, to say that the cause of the outrages now occurring in Ireland is beyond their power. I am quite persuaded that if you would take proper pains to ascertain what are the real causes of the difficulty now experienced in enforcing the law, and if you do not shrink from applying the remedies, whatever they may be, which on examination should prove necessary, it is not impossible to discover means by which this system of violence might be put an end to, and the peace of the country once more established. In my opinion this is the first duty of the Government, which they might well discharge without suspending or delaying any improvements in the law which may be thought necessary.

THE DUKE OF MARLBOROUGH: My Lords, I am not desirous of prolonging this debate, or to travel over the ground of the heavy and serious indictments which have been brought against the Government by my noble and learned Friend behind me; but I must express my opinion that the Government has left the question as regards Ireland in a most unsatisfactory condition. The noble Earl opposite (Earl Granville) has told us that every means has been used which the Government has in its power in order to keep down the state of lawless insurrection at present existing in Ireland. But, my Lords, you must remember that this question does not now arise for the first time. During the whole of last year these outrages were increasing in Ireland, until the country has grown into a condition of chronic disorder and danger such as to call for the serious intervention of Her Majesty's Government. I must remind your Lordships that as early as the 30th of last April the question was put to the Government on the occurrence of one of those serious outrages which have horrified the country, as to what steps they proposed taking for the preservation of peace and order in Ireland, and the answer which the noble Earl gave on that occasion was this—The noble Earl said—

> "All I can say now—and I do not think your Lordships will expect me to say more—is that we are determined to put into practice all the provisions of the present law, and that Her Majesty's Government have been and are in earnest communication with the Government in Ireland, in order to ascertain whether it be expedient or not to take any further legislation for the purpose of putting down outrages of so terrible and lamentable a character as those which have lately occurred."—[3 *Hansard*, cxcv. 1958.]

Since these words were uttered outrage after outrage has occurred in Ireland, and that country has been the scene of some of the most cruel and dastardly murders that have ever been recorded in the annals of crime; yet, when my noble and learned Friend draws attention to the state of Ireland at the present time, the noble Earl tells us that every expedient which the law at present provides has been put in force, and that the Government has left no remedy untried for the pacification of Ireland—the noble Earl alluded to the Crime and Outrage Act which at present exists—and yet crime runs rampant in Ireland unchecked. Her Majesty's Commissioners have told us to-day that, for the removal of such evils, Her Majesty places her main reliance on the permanent operation of wise and necessary changes in the law: yet she will not hesitate to recommend to you the adoption of special provisions, should such a policy appear during the course of the Session to be required by the paramount interest of peace and order. I should like to ask the noble Earl, and I hope he will inform your Lordships, what state of things in Ireland would, in his opinion, justify the Government in asking Parliament for fresh powers? My Lords, we have had during the past year fifty-nine cases of serious outrage. What number will satisfy the noble Earl that the danger is sufficient to justify special provisions? How many more murders and outrages must occur before the Government will seek repressive powers? The remedial measures they may propose will take the whole Session to discuss them. Must we wait till they are passed and till we can see their future operation, which must be of a slow and progressive character? Till then is the Government to allow murder after murder to occur without bringing forward any repressive measures? The very fact that Government intend hereafter to introduce such measures is a confession that they are necessary now. My Lords, I look on the state of things in Ireland as lamentable, dangerous, and unhappy; and I cannot but think that what has just fallen from the noble Earl is the true explanation—that the measure passed last Session, dealing so violently with property, gave a sanction to lawlessness among that excitable population, which will not be eradicated for many years to come; and I cannot look forward to the future without very grave apprehension. Such being the case, and repressive measures not being adopted, a state of feeling will be encouraged in Ireland which must produce its own fruits in an intolerance of British legislation, and the demand will grow in intensity that the Irish people should have a separate Legislature for themselves. If that state of things should arise in Ireland, I hold the Government will be responsible for it on account of the measures which they have passed—measures not remedial—not a message of peace, but measures fraught with the utmost danger—measures which must bear in time revolutionary fruits.

LORD MONCK: I wish, my Lords, to make a very few remarks on what has been said in the course of this debate with reference to the condition of Ireland. I think there has been a tacit assumption that the state of Ireland is worse than it in reality is. In some parts of Ireland undoubtedly outrages prevail, and they have for some time prevailed in a limited portion of that country. But if you look over the last twenty-five years you will find that at successive periods these identical portions of the country have exhibited the same system of lawlessness. If you examine the statistics of crime you will find that in several periods the condition of the country with respect to this kind of crime was much worse than at this moment. The noble Earl below me alluded to the different influences affecting the ordinary current of Irish society, and distinguished them into three classes—namely, the desire and agitation for a change of the law of landlord and tenant, the outrages which grow out of that desire and agitation, and the Fenian and revolutionary Press that exists in Dublin. With respect to the meetings in connection with the first of these—notwithstanding the language used at some of them, and which I do not for a moment attempt to justify—I, upon the whole, look on them as legitimate and constitutional exhibitions of public feeling, seeking in a constitutional manner to obtain redress of what the people conceived to be a grievance. With regard to the agrarian outrages, they are simply injurious to the best interests of the country, and to none more so than to those who engage in them; but we cannot shut our eyes to the fact that they are mainly due to the refusal of Parliament for a series of years to redress grievances which all parties in this House admitted to exist. With regard to the third cause of disturbance—the existence of the revolutionary Press in Dublin—I must say I entertain a very strong feeling, and I trust that Her Majesty's Government will before long see their way to some effectual means of curbing the license of that Press. It is not a case of free discussion—it is a case in which the unhappy population of that country see only one side of the question and have no opportunity of knowing the answer that should be made to the deleterious doctrines of that Press. I believe that real danger to the country arises from the action of that Press, which ought in some way to be dealt with. But the question which has been raised to-night is, whether the Government is or is not deserving censure for not coming to Parliament to ask additional powers to repress agrarian outrages. Now, I trust I shall not be considered presumptuous if I say that I think this question demands somewhat broader treatment than it has received from the noble Earl. The question has been debated as a mere question of police—a question of the suppression of crime; but our view must extend beyond that. No doubt the Government are conservators of the public peace, and in that character ought to take the necessary means for the prevention of crime. But they are bound to look not merely to the present but to the future; and they are bound, in their endeavours to suppress present crime, not to adopt a policy which may have the effect of alienating from the law the affections of the people of that country. In the course of my reading I have found a speech delivered in this House some years ago, and which so fully and forcibly expresses my own feelings that I must ask permission to read a few extracts from it. The speaker says—

> "Why is it that the ordinary law is in that island utterly powerless to protect the peaceable subject and to maintain good order? I believe every person who has at all attended to the situation of Ireland will at once say that the reason for this is that, unhappily, the whole body of the population are adverse to the administration of the law.
>
> "Until that temper is altered it is in vain to

multiply Coercion Acts; it is quite impossible that by such means you can establish real security. The object must be to change their disposition. I ask you, my Lords, has the Coercion Bill any tendency to do so? Are the severe provisions which we are compelled to adopt when endeavouring to repress crime, while the population continue anmated by the spirit I have endeavoured to describe—are those severe provisions calculated to reconcile the people to the law, and bring them to look upon its Ministers as their friends instead of their enemies? I think no man will maintain such a proposition.

"Remember that the unhappy tendency of laws of this kind is to alienate from your Government all the Irishmen—constituting, as I hope and believe, a still numerous body—who understand and value constitutional liberty.

"To adopt such a measure is to drive into the ranks of your opponents such men as those, and you gain but little if you repress agitation by means which exasperate the feeling of hostility to our existing institutions which is really dangerous, and cause it to extend to thousands not before infected by it.

"I contend, then, that we must look further. We must look to the root of the evil, and we must see whether it is not possible to change the temper of the Irish population; to effect a reconciliation between them and their rulers; to make them the friends instead of the opponents of the administrators of the law. This I say is the object to which our efforts ought to be directed, and I say if those efforts are honestly directed to its accomplishment, I believe it is one not beyond our reach to attain.

"In the first place, then, in order to convince the people that the law really exists for their benefit, you must amend it both in its provisions and its administration, for I believe both are defective. I am persuaded that the law as it now exists in Ireland is inadequate to secure to the poor man, who cannot afford the cost of litigation, that justice to which he has a right. I believe it is more particularly so inadequate in those parts of the law which relate to the tenure of real property.

"As has been observed very recently by the Minister of the Crown who is more particularly responsible for the peace of Ireland—the Home Secretary—the state of the law, and the opinions of the people in respect to the tenancy and occupation of land, are at the root of the disorders by which the country is afflicted. I believe that the law as it now exists requires, and is susceptible of, improvement. I believe that the most frightful injustice can and does take place under it.

"We are also told that by the law as it now stands it happens, though I hope not very often, that when an industrious man has spent two or three years in improving a small allotment of ground, and has thus given a new value to it, depending upon it for the subsistence of himself and family, he can be, and at the pleasure of the landlord sometimes is, turned out to starve on the wide world. Can these things be? Is it possible they should exist and not create a strong feeling of exasperation in the minds of the peasantry?

"Not a day, not an hour ought to be lost in devising such a measure and bringing it before Parliament."—[3 *Hansard*, lxxxiv. 1352–1364.]

Lord Monck

Those words were uttered on the 23rd of March, 1846, by the noble Earl who spoke last but one (Earl Grey). What has been the course of Parliament during the twenty-four years which have elapsed in reference to this subject? Government after Government have brought in Bills in respect to the matter, discrediting in the eyes of a half-educated, but sensitive, people, the present state of the law, for they were informed that they had a grievance, and yet Parliament neglected to redress it. Can these things exist without creating in the minds of the peasantry of Ireland a bitter feeling of exasperation, and can Parliament, with a clear conscience, pass extra-constitutional and repressive measures for the prevention of crime which was directly due to their own neglect? I trust that the Bill to be brought in by the Government will realize the anticipation expressed in more forcible language than my own by the noble Earl to whom I have already referred, and who said—

"In framing that measure you must be prepared to go to considerable lengths, and to act not in the spirit of mere technical lawyers, but with the comprehensive views of statesmen; you must look to the principles of the public good on which the law of real property is founded, and not to conventional and technical notions as to the practice of that law. A reform conceived in that spirit is absolutely necessary, and I trust Her Majesty's Government will do their duty, and bring some such measure forward with the least possible delay."—[3 *Hansard*, lxxxiv. 1360.]

I notice that at the conclusion of the Royal Speech the Government do not hesitate to say that if after passing remedial measures the tranquillity of the country is not restored, they will come to Parliament for additional powers. I for one would under such circumstances gladly support them, as I believe the majority of Ireland would support them, in that proceeding, because then it would be manifest that extra-constitutional measures were necessary for the purpose, not of stifling the demands of the people, but for asserting the supremacy of the law.

Address *agreed to, nemine dissentiente,* and ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The LORD REDESDALE—Appointed, *nemine dissentiente,* to take the chair in all Committees of this House for this Session.

COMMITTEE FOR PRIVILEGES — Appointed.

SUB-COMMITTEE FOR THE JOURNALS—Appointed

APPEAL COMMITTEE—Appointed.

House adjourned at a quarter past Eight o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, 8*th February*, 1870.

The House met at half after One of the clock.

Message to attend The Lords Commissioners;—

The House went;—and having returned;—

NEW WRITS DURING THE RECESS.

Mr. SPEAKER acquainted the House that, during the Recess, he had issued Warrants for *New Writs, for* Chester County (Eastern Division), *v.* Edward Christopher Egerton, esquire, deceased; *for* Tower Hamlets, *v.* Acton Smee Ayrton, esquire, First Commissioner of Works; *for* Hastings, *v.* Frederick North, esquire, deceased; *for* Whitby, *v.* William Henry Gladstone, esquire, Commissioner of the Treasury; *for* Glasgow and Aberdeen Universities, *v.* Right Hon. James Moncreiff, Lord Justice Clerk in Scotland; *for* Chester City, *v.* Earl Grosvenor, now Marquess of Westminster; *for* King's Lynn, *v.* Lord Stanley, now Earl of Derby; *for* Merioneth County, *v.* David Williams, esquire, deceased; *for* Waterford City, *v.* John Aloysius Blake, esquire, one of the Inspectors of Irish Fisheries; *for* Tipperary County, *v.* Charles Moore, esquire, deceased; *for* Queen's County, *v.* Right Hon. John Wilson Fitz-Patrick, now Baron Castletown; *for* Longford County, *v.* Colonel Fulke Southwell Greville-Nugent, now Baron Greville; *for* Mallow, *v.* Right Hon. Edward Sullivan, Master of the Rolls in Ireland.

NEW MEMBERS SWORN.

Acton Smee Ayrton, esquire, *for* Tower Hamlets; William Cunliffe Brooks, esquire, *for* Chester County (Eastern Division); William Henry Gladstone, esquire, *for* Whitby; Hon. Reginald James Macartney Greville-Nugent, *for* Longford County; Captain Hugh de Grey Seymour, *for* Antrim County; Samuel Holland, esquire, *for* Merioneth County; Ughtred James Kay Shuttleworth, esquire, *for* Hastings; Lord Claud John Hamilton, *for* King's Lynn; Edward Strathearn Gordon, Doctor of Laws, *for* Glasgow and Aberdeen Universities.

NEW WRIT.

New Writ for College of the Holy Trinity of Dublin, *v.* Anthony Lefroy, esquire, Manor of Northstead.

PRIVILEGES.

Ordered, That a Committee of Privileges be appointed.

OUTLAWRIES BILL.

Bill "for the more effectual preventing Clandestine Outlawries," read the first time; to be read a second time.

THE QUEEN'S SPEECH.

MR. SPEAKER *reported* Her Majesty's Speech, made by Her Chancellor, and read it to the House.

ADDRESS IN ANSWER TO HER MAJESTY ON HER MOST GRACIOUS SPEECH.

CAPTAIN EGERTON: I rise with sincere regret to ask the House to agree to the Motion with which I shall conclude—regret that it has not devolved upon some younger and more eloquent Member of this House, one to whom it might have been a better opening to Parliamentary distinction, with the probability of a longer period wherein to enjoy it. But as it has devolved upon me, I would ask from the House such consideration as it is so ready to accord to one who, though not addressing it for the first time, yet has not frequently trespassed upon its time and attention.

The House will, I am sure, see with regret that Her Majesty has not been able to carry out her intention to be present at the opening of Parliament, and will join with me in the hope that the indisposition of Her Majesty may be only temporary and of no serious nature; and further, that the House and the nation will join in the prayer that Her Majesty may be speedily restored to her usual health, and that a life so valuable to her subjects may be long spared.

I may, with one exception, congratulate the House upon the information contained in Her Majesty's Most Gracious Speech.

With regard to our Foreign Relations, it will be satisfactory to observe that, not only are our own relations with foreign Powers on a satisfactory footing, but also that there is a growing desire upon the part of foreign nations to conduct their negotiations and to settle their differences by requesting, not the interference, but the advice of disinterested neighbours. We, in this House, represent the vast interests of a great nation, which requires in an especial manner the blessing of peace, in order to develop its resources; and it is, I am sure, a satisfaction to know that the probability of war will in future be much diminished, and that wars will be much less frequent than they have hitherto been.

The House will observe with satisfaction that it is proposed to amend the Laws respecting the Occupation and Acquisition of Land in Ireland. The difficulty and delicacy of the subject are only weighty reasons why the Government should attempt to deal with it, and though there will be an immense number of conflicting interests to deal with in working out this question, I believe still that it will be possible for the Government to discover some measure that will reconcile those interests, and bring the question to a Parliamentary settlement. Possibly, when the question shall come to be more looked into, those interests may be found to be not so entirely separated as at first sight they may appear to be. I am sure that the Government will give to this measure all the attention that they can possibly direct to it, and that they have also during the Recess studied it with the utmost care; still I can hardly hope that the measure will be one that will satisfy all parties; but yet I do hope that it will satisfy the moderate men of both sides, and will have equal regard to the interests of the landlord, the tenant-farmer, and the agricultural labourer. If such a measure as this should be brought into the HouseI feel certain that it will command the support of Members of both sides of the House. It is impossible, I suppose, to hope that party feeling shall be kept entirely out of the discussion of this matter; but I know that there are many Members who are superior to the more vulgar indications of party feeling, and I think we may confidently hope that by the assistance of such Members on both sides of the House, a measure may become law that will be satisfactory to the whole of the nation.

A hardly less important measure has been promised in Her Majesty's Gracious Speech—I mean that of National Education. That is a question which excites very considerable interest within the walls of Parliament, and the House must be aware of the intense interest which it excites out-of-doors. There are differences of opinion on the matter, but one thing has been decided by the voice of the nation, and that is that the children of England shall be educated. It is not for me to discuss the merits of rival schemes, or to speculate as to what the provisions of the Government measure may be; but I think that upon examination it will be found that the great difficulty which is supposed to exist in the way of the Bill—the religious difficulty—is not so very great a difficulty as is generally supposed. I feel sure that, among those who have taken an active part in the various assemblages that have been held all over the country to discuss the question, there are but few earnest and sincere men who wish to exclude religion from the education of the country. I believe that they simply understand the application of the principle in different ways; and it would be hard if when the measure is discussed, means should not be found for arriving at a settlement.

Among the other important measures that are to be submitted to the House are those concerning the Incidence of Rating, amending the Laws relating to Licences for the Sale of Fermented and Spirituous Liquors, and for amending the Laws as to the Disabilities of Members of Trade Combinations.

As regards the incidence of rating, there is hardly any subject that is of more importance to the working classes than that of local taxation. No hon. Member can but be aware of the great inequalities that exist, and the way in which these rates press upon the labouring classes; and the discussion that has already taken place cannot be otherwise than beneficial and tend to some beneficial settlement.

As to the licensing system, the enormous interests involved are well known to many Members of this House. There are many Members who are aware of the enormous amount of capital which is invested in houses which it is intended to bring under the operation of a new law, and no doubt much good will be derived from the discussion, even if no settlement should be arrived at.

Now, with regard to the disabilities of members of trade combinations. I am not aware what the measure is likely to be, but it seems to me that it will require considerable care and attention. I do not know whether it is intended to assimilate the law of trades unions and friendly and benefit societies; but it will be an object of deep consideration whether the funds of societies which the officials are permitted to employ in promoting strikes should be placed under the same protection of the law.

I observe with satisfaction that it is intended to bring in a Bill to consolidate the Laws as to Merchant Shipping. It seems to me that any measure which tends to the improvement of the merchant navy must tend, sooner or later, to improve the service to which I have the honour to belong; and not only this, but tend also to the general welfare and interest of the country.

In that part of Her Majesty's Speech which is more particularly addressed to this House, it will be observed with satisfaction that there is a prospect of the reduction of taxation, and the promise of economy as well as efficiency in the maintenance of the public establishments. The House and the Government will, I am sure, remember that there can be no true economy without efficiency, and though it is perhaps necessary that reductions in the public expenditure should be made, I trust that the Government will endeavour to carry out such reductions without injustice to individuals or any undue desire to reduce the efficiency of Her Majesty's forces. I am sure that the Government will keep this matter in view—that a proper force should be kept up to give strength without extravagance.

I would now gladly conclude, but there is one more subject to which I must allude. Her Majestry has expressed her regret at the extension of agrarian crime in several parts of Ireland, and the House will share most deeply in that regret. I am sure that neither you nor Her Majesty's Government have any intention to make things appear better than they are, and the House will be gratified to observe that there has been a partial improvement in the state of affairs in Ireland. It is consolatory to know that after many years of well-meant legislation for Ireland an improvement, although but partial, has occurred. For myself, I believe that the effects of recent remedial legislation for Ireland has yet to be felt. I hope, at all events, that the Irish nation will believe that it is the sincere desire and intention of Parliament to do away with those grievances under which, until lately, they have suffered. The present disturbed state of certain portions of the country may be traced to the evil influence exercised by only a small body of men. I think it is hardly possible that a high-minded and generous people like that of Ireland can resist the softening influences of just and impartial legislation, or that they will be swayed by the machinations of secret and cowardly assassins. It will be for the Government to consider what measures may be necessary for maintaining the public peace, and I am certain that no powers which it may be proper for the Government to demand in the present state of Ireland will be refused by the House. Her Majesty has declared it to be her intention to cause the law to be respected, and it will be for the Government and for the House to support Her in that determination. I thank the House for the attention with which they have received these few and imperfect remarks. The hon. and gallant Member concluded by moving—

"That an humble Address be presented to Her Majesty, to thank Her Majesty for the Most Gracious Speech delivered by Her Command to both Houses of Parliament, and to express our sincere regret that recent indisposition has prevented Her Majesty from meeting us in person:

"Humbly to thank Her Majesty for informing us that the friendly sentiments which are entertained in all quarters towards this Country, and which Her Majesty cordially reciprocates, the growing disposition to resort to the good offices of Allies in cases of international difference, and the conciliatory spirit in which several such cases have recently been treated and determined, encourage Her Majesty's confidence in the continued maintenance of the general tranquillity:

"Humbly to thank Her Majesty for directing that Papers shall be laid before us with reference to recent occurrences in New Zealand:

"Humbly to thank Her Majesty for informing us that the Estimates for the Services of the approaching financial year are in a forward state of preparation, and that they are not only framed with a view to the effective maintenance of the Public Establishments, but that they will impose a diminished charge upon the Subjects of Her Majesty:

"To assure Her Majesty that we hear with pleasure that the condition of the Revenue has answered to the expectations which were formed during the past Session; and to express our readiness to carry to its completion the inquiry which was last year instituted into the mode of conducting Parliamentary and Municipal Elections, and thus to prepare the materials of useful and early Legislation:

"Humbly to assure Her Majesty that our most earnest attention will be given to the Measure which has been prepared with a view to amend the Laws respecting the occupation and acquisition of Land in Ireland, in a manner adapted to the peculiar circumstances of that Country, and calculated, as Her Majesty believes, to bring about improved relations between the several classes concerned in Irish Agriculture, which collectively constitute the great bulk of the people; and that we share in Her Majesty's confidence that these provisions will tend to inspire among persons, with whom such sentiments may still be wanting, that steady confidence in the Law, and that desire to render assistance in its effective administration, which mark Her Subjects in general, and thus will aid in consolidating the fabric of the Empire:

"Humbly to thank Her Majesty for informing us that, among many other subjects of public importance which appear to demand our care, a Bill has been prepared for the enlargement, on a comprehensive scale, of the means of National Education:

"Humbly to thank Her Majesty for informing us that in fulfilment of an engagement to the Government of the United States, a Bill will be proposed to us for the purpose of defining the status of subjects or citizens of Foreign Countries, who may desire naturalization, and of aiding them in the attainment of that object; and that we shall be further invited to consider Bills prepared, in compliance with the Report of the Commission on Courts of Judicature, for the improvement of the constitution and procedure of the Superior Tribunals of both original and appellate jurisdiction:

"To assure Her Majesty that we humbly join in Her Majesty's opinion that some satisfactory legislative settlement should be effected of the question of Religious Tests in the Universities and Colleges of Oxford and Cambridge, which may contribute to extend the usefulness of these great Institutions, and to heighten the respect with which they are justly regarded:

"To thank Her Majesty for acquainting us that Bills have been prepared for extending the incidence of Rating, and for placing the collection of the large sums locally raised for various purposes on a simple and uniform footing; and to assure Her Majesty of our readiness to undertake the amendment of the Laws which regulate the grant of Licences for the Sale of Fermented and Spirituous Liquors:

"Humbly to thank Her Majesty for informing us that Measures will be brought under our consideration for facilitating the Transfer of Land, for regulating the Succession to Real Property in cases of Intestacy, for amending the Laws as to the Disabilities of Members of Trade Combinations, and for both consolidating and improving the body of Statutes which relate to Merchant Shipping:

"Humbly to assure Her Majesty that we participate in the concern with which Her Majesty has announced to us the recent extension of Agrarian Crime in several parts of Ireland, with its train of accompanying evils:

"Humbly to thank Her Majesty for informing us that the Executive Government has employed freely the means at its command for the prevention of outrage, and that a partial improvement may be observed; but that, although the number of offences, within this class of crime, has been by no means so great as at some former periods, the indisposition to give evidence in aid of the administration of Justice has been alike remarkable and injurious:

"To assure Her Majesty that, humbly trusting with Her Majesty to the permanent operation of wise and necessary changes in the Law for the removal of such evils, we shall be prepared for the adoption of special provisions, should such a policy appear during the course of the Session to be required by the paramount interest of peace and order:

"Humbly to assure Her Majesty that we fervently join in Her Majesty's prayers that our labours may be constantly attended by the blessing of Almighty God."

SIR CHARLES W. DILKE: Mr. Speaker, in entering upon the responsible duty which has been entrusted to me, I must express my wish that it had been committed to some one of greater experience in the House. I cannot lay claim to the customary privilege of those who address you for the first time, but during the one Session in which I have had the honour of a seat in Parliament I have attempted to confine my brief remarks to matters of which I had previously some knowledge. On the present occasion I cannot but speak with all the hesitation of a wholly unpractised Member, for I find myself called upon to follow the hon. Gentleman into the discussion of a vast number of subjects, with many of which I have less acquaintance than almost any Member of the House. My embarrassment is increased by the complete manner in which my hon. Friend has dealt with Her Majesty's most gracious Speech, and I should hardly venture to detain you with any additional observations that could be made, were it not that in attempting to escape the task which has been imposed upon me I should seem to be wanting in respect towards the House, and to the great constituency which I represent.

We may, I think, congratulate ourselves upon the brevity with which Foreign Relations are treated in the Speech. The words "friendly sentiments" form, however, this year, no unmeaning phrase. I believe that, were it diplomatic, it would be nothing more than true to say that we are upon a footing of intimate friendship with all the Powers. For many years we have not seen the world so entirely at rest. We are not reminded that to the good offices of England, not merely tendered, for that they always are, but joyfully accepted by the interested nations, this tranquillity is largely due. During the late difficulties that arose between Turkey and Greece, between Turkey and Egypt, and between Belgium and France, our mediation is understood to have calmed angry feelings, and in at least one case to have prevented war. I think, then, that while expressing our gladness at the continuance of harmony we should not forget, on the one hand, how we ourselves have helped to bring about the now prevailing concord, nor on the other how happily increased are the chances of the maintenance of peace by the triumph of the principle of popular sovereignty in France and Spain.

Speeches from the Throne have often clauses that seem to remain standing from year to year, and, whether or no it be always very apposite, the paragraph about foreign relations is one of these. But this year it has attached to it a rider which is novel to the point of being bold—the phrase in which we are congratulated upon the readiness the nations show to submit their differences to their allies. Those instances of the happy practice which I have already stated to the House are familiar to all, but circumstances which have occurred would seem to warrant this generalization from them: that there is no nation in Europe which would venture now to act in opposition to the opinion of a majority of the Powers. We have often had suggestions and oftener dreams from writers of much distinction, in which they have proposed the creation of a League which they style "The United States of Europe," but, putting aside the impracticability of their scheme, I would ask the House what end it could attain which we do not now secure? When nations know that not only their rivals, but their friends will expect that the opinion of the Powers should be taken upon the international actions which they propose, they will hesitate before they so much as discuss within their council chambers measures which in the old bad times they would have executed without a thought. There may be gracious promises, there may be phrases of sympathy for all our fellow-citizens, but there is nothing in the Speech to which we have this day listened which is fuller of the hopes that reach all hearts, than the simple words in which we are told that the nations have decided that in future they will refer their differences to friends.

With one foreign Power, if the word "foreign" be strictly applicable to a people whose tongue and whose thought are ours, relations are returning to something better than their former state. Time and the sympathies of race are too strong for politicians and for Governments. As the days roll by bitter words are forgotten, and men begin to wonder where the angry feelings of the past can have had their rise, when they note the calmness of the reasoning with which former subjects of dispute are now approached on either side of the great seas. We are told in the Speech that we are soon to deal with the Naturalization matter. No declaration could give more pleasure to the millions of persons, now citizens of the United States, who were born on British soil, and there is reason to believe that the settlement that has been reached conflicts with no sentiment of English dignity, and with no principle of modern English law, but that it will prove even more satisfactory to the Americans than the arrangements they have made with Prussia.

The list of the principal measures that are to be proposed to us during the present Session is, perhaps, the longest that was ever set before a Parliament; but the measures are neither more numerous nor more weighty than the House has a right to expect when Her Majesty is advised by Ministers who possess in a remarkable degree the confidence of the country and of the House. Not only are there the two great measures to which my hon. Friend has referred, but some of the other Bills proposed are so intimately connected with these two that it is difficult to discuss the one without the other. I believe, for instance, that when we reflect upon the opinions that prevail in the enlarged constituencies by which the present House of Commons has been returned, we shall see that it would have been impossible for a Minister to have dealt with that which is peculiar in the land difficulties of Ireland, without at the same time proposing to us legislation upon those evils which are common to the land systems of both the British Isles. Nor are the twin land Bills, to which I have referred, more closely connected than the twin measures which are proposed to us on Education. A Bill for the abolition of University Tests is required to complete the nationalization of the Universities, and these must be made the nation's if you are to systematize education throughout the land. Indeed, such a measure appears to be desired as a supplement to the Education Bill by so large a majority within these walls, that without going beyond the limits which are set by custom to those who take a somewhat formal part in the discussion of a Speech from the Throne, I may, perhaps, be permitted to express a personal hope that, whatever the difficulties that may arise, the Session will not end without the University Tests Bill having passed into law.

The announcement that an Education Bill is to be proposed by Her Majesty's responsible advisers has been received with pleasure by the House. There will be many who will read the declaration by the light of the words of the right hon. Gentleman the Vice President of the Committee of Council in his speech at Bradford. I venture to think that the promise that he made, that no religious or irreligious difficulty would be allowed to stand in our way, is not merely the intention of the Government, but the deliberate opinion of the people. Whether or not this is so, it is at least a conviction firmly held by those who dwell within the towns of England; and were we unhappily to fail to obtain our end during the present Session, nothing can prevent our carrying on the struggle until the reproach of ignorance shall be removed from off the land. It is not we who cause the religious difficulty, but those who insist that sectarian teaching shall have a place in all schools that are supported from the public funds. Whenever the people have been consulted, whenever they have been asked whether they would have education hindered by sectarian differences of any kind, their answer has not been doubtful; and it would almost seem as though in this controversy the whole of the people were collected on one side, and confronted only by a few of those who ought to be their leaders. There is one thing in this matter that we must not forget, and that is that if the people are determined that sectarian differences shall not stand in the way, it is because they are prepared to insist that at all hazards the greatest possible spread of education may be secured, and, if I may speak now for myself alone—for I am ignorant of the details of the plan that Her Majesty's Government will propose—I know not how, without compulsory attendance you will secure the education of every child. If, however, opinion be too much divided still for such a scheme, it might be possible to recognize the vast differences, both of opinion and of fact, that separate some portions of the country from the rest, and to pass a Bill which, while it should be final as regards those parts of the land where no defence could be founded on existing facts, should elsewhere supplement the system which has already secured so many good results. Such a measure would meet with the support of all friends of education, but it would only inspire the inhabitants of the towns to continue the fight until they have secured for every portion of the British Isles those blessings which the Bill would carry to certain of the more favoured spots.

In debating the remaining clauses of the Speech from the Throne, we stand even less than we have done hitherto upon controverted ground. Her Majesty, addressing Her then Parliament two years ago, was graciously pleased to say that the frequent occurrence of disagreements between employers of labour and the workmen they employed, had induced Her to issue a Commission to inquire into the organization of trades unions, and to suggest an improvement in the law. Of that Commission the Ministers have now had time to study the Report; but in introducing a measure upon trades unions they are but carrying out a promise they have already made within these walls. For my part, I do not entirely agree with the views of my hon. Friend as to the details which ought to find a place in such a scheme; but it may be sufficient to say that a House—in the election of which the working classes have had so large a share—will not be indifferent to a measure which they conceive to be their due.

It is with some hesitation that I approach the last of the paragraphs of the Speech, for the subject of Ireland is already so familiar, and has been treated so exhaustively by my hon. Friend, that I could not with any conscience detain the House while I might attempt to show that if the condition of Ireland be such as to need exceptional remedy, it is also such as to require exceptional care. It is true that we have to congratulate ourselves that agrarian outrage has of late been less, and that Her Majesty's Government have not thought it necessary to propose the suppression of the Habeas Corpus Act. On the other hand, no one can wonder that they should have shown that, if necessary, they will be prepared to supplement the deficiencies of the law. Those who supported the Church Bill of last Session never pretended that it would reconcile the irreconcilable. No one ventured to assert that for all our endeavours to solve that question there would be immediately one Fenian the less. But those whose case it is proposed to meet this Session—the occupiers of the land in Ireland—they who with their families form the bulk of the Irish population—they who are not Fenians, but through whose sympathy Fenianism obtains that half support which alone has made it formidable—these men we may perhaps detach from the forces of rebellion. It is not proposed to bribe the tenants, to win them to our side by measures which would be indefensible except in the emergency of a desperate case; what is to be done is to shape into legislation a recognition that there is in the relation of landlord and tenant in Ireland a something which we have not here. Whatever may be our differences as to the means by which our end is to be wrought, it may perhaps be admitted upon both sides the House that the anxious thought that was displayed in the preparation of the Church Bill of last Session, is not likely to have given place to unthinking rashness in the drafting of the land scheme of this year. There is no hon. Member but will admit that it is our duty to deal with a question without a settlement of which no lasting peace in Ireland is possible, and it is in the feeling that the Session will not end without a satisfactory settlement being reached that I beg, Sir, to second the Address.

Motion made, and Question proposed, "That," &c.—[See *Page* 62.]

MR. DISRAELI: Mr. Speaker—The Speech from the Throne promises the introduction of many important measures, but I think, Sir, this is hardly an occasion when it would be convenient to the House that we should enter into any general criticism upon them. I will, therefore, only express a hope that when these measures are brought forward we shall find they are treated by Her Majesty's Government in a manner not unworthy of their importance. Nor, indeed, should I have ventured to trouble the House at all to-night had it not been for some passages towards the end of the Speech, which refer to the condition of Ireland. Those passages, I confess, appear to me to be neither adequate nor altogether accurate. Her Majesty's Government acknowledge that the condition of Ireland is not at all satisfactory; but, while admitting it is bad, they remind us that on previous occasions it has been worse. They tell us that they have employed freely the means at their command for the prevention of outrage—a statement which the House must have heard with satisfaction from so authoritative a quarter, because certainly the popular and general impression was the contrary. As I understand the language, which to me seems involved, and certainly is ambiguous, the Government inform us that, contingent upon their passing certain measures, they will resume the duty of a Government, and protect life and property. I confess I am sorry to see in a document of this Imperial character that any body of men who are responsible Ministers of the Crown are of opinion that to protect the life and property of Her Majesty's subjects is a contingent duty.

Now, with respect to the condition of Ireland, and why I think this notice of it by Her Majesty's Government is neither adequate nor accurate. Unquestionably before this we have had murders in Ireland, and assassinations, and mutilations, and violence in all its multifarious forms—threatening notices, secret societies, turbulent meetings, and a seditious Press. All this has happened before. But on all previous occasions when such disorders have pervaded that country reasons have been alleged, and, if not universally, have been generally adopted by influential persons in the country as explanatory of their occurrence. I remember, Sir, that when I first came into Parliament—thirty years ago now, and something more, I am sorry to say—the state of Ireland was most unsatisfactory; and then it was commonly alleged that it was in a great degree to be attributed to what was called the maladministration of justice; and the conduct of high personages on the judicial bench was impugned and defended in this House, and recriminations were indulged in with all the animosity of party conflict. Well, no one can pretend now that the scenes of outrage which extend over a considerable portion of Ireland can be attributed to maladministration of justice. For the last ten years—I may say twenty and even more — the administration of justice in Ireland has been as just, as pure, and as learned as in this country; and I say this, well knowing that those who sit upon the bench in Ireland have, in the majority of cases, been appointed by the party opposite, and that most of them are members of the Roman Catholic community. Generally speaking, too, if you take also a large view of the conduct of juries in Ireland, particularly under the trying circumstance of the last few years, the law has been vindicated by them with courage and loyalty. Maladministration of justice, then, cannot be alleged to-day as the cause of the crime and outrage which prevail in Ireland at this moment. Another cause which used to be alleged was religious dissension. People said — "What can you expect from a country where you allow the minority of the people great privileges in respect of their religion, and permit ecclesiastical inequalities to exist; put an end to the Protestant ascendancy which you support with so much zeal, and you will put an end to these disorders?" Religious dissension was very generally received as the cause of the disturbances and disorders of Ireland; but that plea cannot be urged now. The Protestant population of Ireland now possess no exclusive privileges, their Church has been despoiled and her prelates have been degraded. You have established certainly in theory ecclesiastical equality—though I fear in practice it will be found that those who were lately in possession of those privileges will hardly rise to the level of those who are now considered in theory their equals. But no one can any longer say that it is Protestant ascendancy which is the cause of these horrible disorders. Well, during the long discussions which have occurred in this House now for so many years a third reason has been frequently alleged as the true cause of the disturbed state of Ireland, and that was a seditious priesthood. Now, I am not going to maintain that things have not been said and things have not been done by isolated members of the Roman Catholic priesthood of late which every man of sense and honour on both sides of the House must reprobate; but we know that the great body of the priesthood is arrayed in support of Her Majesty's Government, and therefore it cannot be alleged that a seditious priesthood is the cause of Ireland's trouble. The Roman Catholic congregations are exhorted from the altar to uphold the Ministry of the right hon. Gentleman, and I am told that, even amid the perplexities of the Œcumenical Council, right rev. Prelates have found time and opportunity to despatch canvassing letters to the hustings of Longford and Tipperary. Then we have sometimes been told that all those outrageous occurrences which periodically happen in Ireland are solely occasioned by an organized system of agitation conducted by individuals who made agitation profitable. "Get rid of agitators," we were told, "and you will soon find Ireland tranquil and content." That appears to have been the opinion of a right hon. Gentleman who is a Member of the Administration; for I observe that in addressing his constituents lately he informed them that the condition of Ireland at this moment, in respect of all its crimes and outrages, was the consequence of the desperate condition of the Irish agitators. He told them that these mischievous men are up in arms because they know a Ministry is now in office which is resolved to carry measures to put an end to their profession; and he admitted, with his characteristic candour, that if there had not been a change of Government it is not at all impossible that the agitators, interested in always maintaining a grievance, would have permitted Ireland, under the late Administration, to be tranquil and content. Now, I must say, it strikes me as the most remarkable circumstance in the present condition of Ireland, that she is agitated without agitators. Of course, at such a critical period like the present—a good many of the old hands have appeared, and there is no doubt they thought the time was come when, to use a classical Liberal expression, they could carry on a "roaring trade" in the way of agitation. But the most curious thing I have observed in the course of events in Ireland during the last twelve months is that the agitators mean in station, not very distinguished in ability, have invariably contrived to be on the unpopular side. Although the state of Ireland has been such that, now for a considerable period, once in every week some deplorable outrage has been perpetrated, I must do the agitators the justice to say that, in my opinion, none of those acts can fairly be ascribed to them. Again, all must agree that there have been moments in the history of Ireland when disorders and disturbances there could be traced and attributed to the influence of a foreign country. Notably at the beginning of this century—or, probably, to speak with greater accuracy, I ought to say at the end of the last century—there were Irish traitors residing in France, in direct alliance with the French Republic, who threatened, and did certainly accomplish, the invasion of Ireland; and this foreign influence was undoubtedly the main cause of the disturbances in Ireland. And recently, within our own immediate experience, some of our Irish fellow-countrymen who are alienated in feeling and sentiment have, in another republic, the republic of America, by peculiar means, exercised a foreign and disturbing influence upon Ireland. We should be, I think, glad to admit, and proud to remember that the same thing can never be said of the American Republic which was justly said of the French Government—that they ever, for a moment, tolerated, sanctioned, or encouraged the Fenian conspiracy. [*Murmurs.*] I speak of course only so far as my own experience extends; but, to that extent, I say that the conduct of the American Government was marked by a spirit of honour and political integrity. But, no doubt, the Irish in America have had the means of founding associations and of acting on the opinions of the population of Ireland. Accordingly, there is no doubt that in these two instances foreign influence produced these disorders. Now, with regard to the Fenian conspiracy, which some little time ago was alleged as the cause of these disturbances, I must express my own opinion—I have expressed that opinion before, and its accuracy has been challenged; but, at least, it is an opinion formed after considerable thought, with some responsibility, and with some means of arriving at an adequate conclusion. And the opinion which I so expressed was that the Fenian conspiracy was of foreign growth. Under the Government of the Duke of Abercorn, that conspiracy was, in my opinion, completely broken and baffled. That happened in America which happened in Europe after the Thirty Years' War. In America, as in Germany, the majority of the people, on both sides of the important questions then at issue, were actuated by high principles. But there were naturally a great number of military adventurers who mingled in the fray, and who, when peace was somewhat unexpectedly brought about, wished to employ their military knowledge and experience to some purpose. And the Irish, who are a military nation, had in the American army a great many of their race. But it is an error to suppose that the scheme of invading Ireland and establishing a Republic in that country was confined to Irishmen. If the projected Fenian army had taken the field, the commander, and, I believe the second in command, would neither of them have been Irishmen, nor, so far as I am informed, Roman Catholics. The result of that conspiracy was that, baffled in every way, with all their schemes thwarted, they found, when they came really to the pinch of the question, that both parties to the plot had been deceived. The military adventurers could not count, as they had been led to believe they could do, upon an armed nation rising to receive them; and that part of the Irish nation which sympathized with the conspiracy was disappointed at the inadequate means with which these great intentions were proposed to be accomplished. Hence between the two parties there arose feelings of suspicion and disgust And, notwithstanding all that we have heard, I do not believe that there is any reason for now tracing the disordered state of Ireland to Fenian machinations. I have ventured to mention five causes which, during many years have been brought forward as accounting for the disorders and disturbances which periodically occur inIreland; and I say that they are all obsolete or non-existing as regards the present state of affairs. There is, I admit, a sixth and a final cause which must be noticed, which has been alleged on previous occasions—and that is the tenure of land. The tenure of land is also now mentioned as the cause of the discontent and dissatisfaction of Ireland; but the tenure of land in Ireland is the same as it was at the Union, except that it has been modified in some degree, and always to the advantage of the occupier. ["No!"] At any rate the tenure of land is the same now as it was when Lord Carlisle governed Ireland, and it must be the same as when the Duke of Abercorn governed Ireland. But the tenure then did not produce those scenes of disorder and outrage which have excited the fears and attention of the whole nation for a year, and which are now mentioned in Her Majesty's Speech. It seems that has happened in political affairs which is said to be impossible in physical affairs—namely, spontaneous combustion. The Irish people—that is to say, a great portion of the Roman Catholic population in Ireland—have rushed into a riotous hallucination. They have suddenly assumed that a great change was about to occur in their condition—a change which, if it should be accomplished, would weaken and perhaps destroy the amount of civilization which they already possess, and which, if carried to its last consequences, would resolve society into its original elements.

I want to know what is the reason that this great portion of the Irish people has suddenly indulged in the wild dreams that have led to this wild and evil action? It cannot be the policy of the Ministry. However we may differ as to the measures of Her Majesty's Government with respect to Ireland, there is no doubt that their policy as regards the Roman Catholic portion of the population is a conciliatory policy. Her Majesty's Government announced their intention to redress all the injuries of the Roman Catholic population, to remove all the abuses of which they have long complained, and under which they have suffered, and generally to ameliorate their condition. The announcement of such a policy could not have brought about the wild and destructive conduct of which we now are all complaining. The truth seems this—The Irish people have misinterpreted the policy of the Government. They have put a false interpretation on the policy of the Government; they have considered that the Government meant to do something different from that which I assume, and shall always believe, it is the intention of the Government to do. But I want to know this—Were the Irish people justified in the erroneous interpretation which they put on the avowed policy of the Government; and if they fell into the dangerous error of misinterpreting that policy, did the Government take all the steps, or any of the steps, that were necessary to remove that false impression and to guide the mind of the Irish people to a right conception of the state of affairs and a due appreciation of the intentions of the Government? It is unnecessary for me to dilate on the Irish policy of Her Majesty's Government: whatever may be its merits in the opinion of some, or its errors in the opinion of others, there is one point on which I think we must all agree, that it has been expressed on the part of Her Majesty's Government with the utmost frankness and explicitness. The right hon. Gentleman opposite, when he was in a scarcely less responsible position than the one he now occupies, at a time when he was a candidate for the highest post in the country, challenging the confidence of his Sovereign and of his country upon his Irish policy, and speaking, no doubt, with a sense of responsibility not less than that with which he would speak now, told us what his view of the Irish question, as it was called, really was. He said that the state of Ireland was to be attributed to Protestant ascendancy, and that his policy was to put an end to Protestant ascendancy. Nothing could be clearer, more frank, or more explicit. Protestant ascendancy, the right hon. Gentleman said, was at the bottom of all the disorders and all the grievances and misery of Ireland; it was a tree which had produced three branches which I shall call—not in the language of the right hon. Gentleman, but in accordance with his meaning—branches of predominant perniciousness, extending into the Church, the land, and the education of the country. That was the declaration made to England and to Ireland. England can not complain of the conduct of the right hon. Gentleman, because that policy was announced before the General Election, and the vote of the English constituencies ratified the determination of the right hon. Gentleman to insure the destruction of Protestant ascendancy in Ireland. But, now what have been the two great causes of excitement and disorder in Ireland? There have, no doubt, been several, but there were two which were prominent last year. One was a desire to free the political prisoners, and the other a demand to transfer the property of one class to another class. Those were really the two great causes. Now, unfortunately, from some observations made first in the course of debates in this House, but afterwards dwelt upon and amplified elsewhere, the public mind, not only of Ireland, but also of England, had been led to believe that Her Majesty's Government in some way connected the destruction of the Protestant Church with the Fenian conspiracy. It was generally understood to be the opinion of Her Majesty's Government that the Fenian conspiracy, if it had not entirely occasioned, at all events precipitated the fall and decided the fate of the Protestant Church in Ireland. When the Government of the right hon. Gentleman was formed there was a desire exhibited by that portion of the Irish people who were then apparently his supporters—that is, not by those who professed the Protestant religion, and who viewed the conduct of the right hon. Gentleman with alarm, but by the mass of the Roman Catholic population of that country—to receive the Government of the right hon. Gentleman with favour; and they agitated the country in no unfriendly spirit upon the two subjects I have named. It is of importance, in clearly understanding the condition of Ireland at this moment, that the House should discriminate between the way in which the freedom of the prisoners, for instance, was advocated in the beginning of the year by some persons in Ireland, and the mode in which it was agitated towards the close of the year. The House will remember that when we assembled last year a remarkable and dramatic scene took place. The Lord Mayor and Corporation of Dublin presented themselves at the Bar with a Petition to Parliament. In their Petition they requested us to support the Church policy of the right hon. Gentleman—a policy which might be regarded as a foregone conclusion, and about the success of which, though there might be some question about the details, there could be no doubt. But in that Petition, couched in a friendly spirit, with the view of making Her Majesty's Government popular in Ireland, they also urged that an amnesty should be granted to the Fenian prisoners. I have received some Irish deputations in my time, and I thought I saw at the Bar some faces that I recollected. To be historically correct, I ought to add that the completeness of their Irish policy was that the Government should purchase all the Irish railroads and immediately reduce the tariff for passengers and goods. That was their policy then. The Lord Mayor and the Corporation of Dublin were the supporters of Her Majesty's Government. They came in a friendly spirit, and in asking for an amnesty for the Fenian prisoners they believed that they were supporting the Government. But what happened? No doubt there is no more difficult question for the Minister of a constitutional State to decide than that of granting an amnesty to political offenders. It is much more difficult for a Minister of a constitutional State than it is for the Minister of a State where what is known as "personal rule" prevails. In such countries there are revolutions, strokes of State, and other manœuvres which continually render it necessary that, without much inquiry or discrimination, large bodies of subjects should be imprisoned; and as it is of course very inconvenient to keep thousands of subjects in prison—and very expensive—when order is restored and tranquillity can be depended upon, the throwing open of the prison doors and releasing the prisoners is a convenient way of celebrating the birthday of the Sovereign or the marriage of his son or daughter. But in a constitutional country it is entirely different. A political prisoner, generally speaking, cannot be imprisoned without his guilt having been proved to the satisfaction of a jury of his countrymen; and even under the rare circumstances in which a man in a free country may be arrested and imprisoned without being condemned by a verdict of a jury, still, if there be a suspension of the Habeas Corpus Act it is suspended with the free will of Parliament and its suspension is under the vigilance and control not only of Parliament but of a free Press. It may, therefore, be fairly assumed that political offenders in this country are in a very different position, in regard both to the merits of their conduct and to the comparative sufferings they endure, from the political prisoners who by squads and battalions are immured in dungeons in countries where no constitutional rights are in existence. Therefore it is the most difficult of all duties to decide upon the question of an amnesty in a constitutional country. As a general principle, though I do not say it is one from which you should never deviate, an amnesty, if there is to be one, should be complete. Now, what was the conduct of Her Majesty's Government? Her Majesty's Government responded to the friendly invitation of the Lord Mayor of Dublin and people of that kind—I mean those friends who were, to use a barbarous expression, "ventilating" the question, in order to get support and popularity for the Government—by deciding upon a partial amnesty. Now, let us see what were the inevitable consequences of a partial amnesty. You had a Paper placed upon the Table last year which gives some account of the prisoners who were freed under the partial amnesty. Now, who were the first three men thus freed? Men who had been found guilty of high treason, and whose sentence of death had been commuted into one of imprisonment? With that commutation I am not here to find fault. Possibly I may myself share its responsibility, but this I will say—that when the Government of which I was a member had to deal with questions of this kind, and we had to assert the majesty of the law and to establish order and tranquillity, no one can accuse us of vindictive conduct in the punishments we retained. Now, the effect of releasing these three men, who had incurred the severest penalty of the law and whose sentence of death had been already commuted to imprisonment, was that others who had a brother, a son, or a sweetheart, perhaps, in prison, naturally complained that those whose conduct had incurred the penalty of death should be released, while those whose crimes were not so great should still be detained in prison. On the part of the Government it was urged that they must exercise some discretion, and that, in considering the case of these prisoners, they determined to free those in whose harmlessness they were pretty confident and secure, and that none were let out but those who could do the State no injury. Well, now, was that the fact? Look at the next three men who were let out. They were three men who had incurred long terms of imprisonment, from twelve to fifteen years, men of decided opinions and violent conduct, not one of whom had ever given the slightest sign of penitence. One was an able writer. He emerged from his cell and immediately wrote a leading article against the Government, calling upon his fellow-countrymen to commence their efforts to free themselves from the slavery under which they had so long laboured. Another of them—and that is a mysterious case, which may by-and-by be brought under the consideration of Parliament—went to a banquet and made use of his liberty to excite Irishmen—they say he was not an Irishman himself—to violence, and he told them that the sabre was the only solution of their sufferings. Well, then, I say the great body of the Roman Catholics of Ireland who had relatives in prison naturally felt indignant. They regarded this partial amnesty as a most ill-considered act. These people who before were unhappy in the fate of their relatives—who no doubt felt that they were unfortunate, and that they did not deserve their doom—began now to smart under a great sense of injustice. They said—"You have let out men, some sentenced to death, others to long periods of imprisonment, who immediately use the liberty you have given them to excite hostility against the Crown and to create sedition in the country. But our relatives are still immured, who have not been convicted of offences so heinous or incurred sentences so heavy." Well, what happened? The feeling for the Fenian prisoners, which was at first got up rather to assist the Government than not, became a great national sentiment, and culminated at last in an incident which has been referred to with solemnity this evening, an incident most humiliating to the Government, and stimulating to violence and disturbance, and other classes of crime. The country was raised to a high degree of excitement when it was most important that it should be appeased and kept quiet. I said just now that you must remember this—that the great body of the Roman Catholic population, without being Fenians themselves, may justly sympathize with the Fenians. Let me explain this, for it is important the House should bear it in mind. The people of Ireland had been told, now for a great many years, that the Protestant Church in Ireland was a badge of conquest. They had been assured that it was an enduring testimony of their ignominious position as a nation, and that though these might not seem its immediate effects, it was indirectly the cause of all the humiliation and discontent of the country. Now, when the great body of the Roman Catholic population found that the badge of conquest was destroyed, and, at the same time, that it was in consequence of Fenianism that they were rid of that which they had been educated to believe a badge of conquest and a source of infamy, was it not very natural, without being Fenians themselves, that they should evince some sympathy for the Fenian prisoners? For they naturally reasoned—"It is not necessary for us to vindicate their conduct in making war on Her Majesty, of whom we are willing to be the dutiful subjects; but we have the highest authority in the land to lead us to believe that if they had not committed these crimes we should not have been released from this enduring badge of our servitude and humiliation. And surely, if ever there was an occasion when bygones should be bygones, it is this, when there has been a change of Ministry to carry into effect the avowed consequences of Fenianism." The people naturally thought that with the destruction of the Protestant Church the offences of these men ought to be condoned. That is the reason why you have such a strong feeling among the Irish people on behalf of the Fenians, and that is the real cause why you have had all this terrible excitement in Ireland, and why you have been called upon to do an act which would be a blow to all government—namely, without security and on no intelligible plea suddenly to open the gates of all the prisons of the country and free men who were condemned by the solemn verdict of juries and after trials the justice and impartiality of which have certainly never been impugned, even by the Fenians themselves. So much for one of the two great causes which have brought about this condition of Ireland. So far as I can form an opinion upon the facts as they appear to us, it seems to me that one of the great causes of the excitement in Ireland, of the spirit of turbulence, discontent and disloyalty which have been rampant during the last twelve months is to be attributed to the conduct of the Government with regard to the Fenian prisoners.

And now let me ask the House to consider the other cause. The agitation in Ireland has been for two things—to free the political prisoners, upon which I have already touched, and in the second place—it is better to state it in plain language—virtually to transfer the property of one class to another. Now, let us see what has happened with respect to that. Let us inquire what excuse, what reason there is for the erroneous interpretation which the people of Ireland have put on the intentionally beneficent policy of the right hon. Gentleman.

Now, I apprehend that they reason in this manner:—"The policy of the Government is to put an end to Protestant ascendancy. That there is no mistake about; we have it on the highest authority." Then they would go on to say—"It is the cause of all our miseries, but its three most enormous products are the Protestant Church, the tenure of land, and the present system of education." We all know how the right hon. Gentleman has dealt with the Protestant Church. It was not necessary for the people of Ireland to wait until the termination of the last Session of Parliament to know the policy of the right hon. Gentleman on this subject, because, at the beginning of the Session, the right hon. Gentleman was pledged to the destruction of the Protestant Church. Therefore, so far as the formation of public opinion among the Irish people was concerned, from the beginning of last Session they took it as a foregone conclusion, as an accomplished fact, that the Irish Church was abolished. Well, they reasoned in this way—"The Irish Church is abolished; the Bishops and rectors are deprived of their property. The next grievance, according to the same high authority, is the land. Is it not a natural consequence that, if you settle the question of the Irish Church by depriving the Bishops and rectors of their property, you will settle the question of the land by depriving the landlords of their property?" I do not say that that is the policy of the Government; I do not say that we thought that was the policy of the Government; but I say that is not an unnatural inference of the Irish people. I say, in the next place, that it was the actual inference of the Irish people. There could be no mistake in Ireland about it, because a right hon. Gentleman, too short a time a Member of this House, now the Master of the Rolls in Ireland, on his appointment by the new Government to an office which, as far as the interest of the country was concerned at the particular time was second to none—the office of Attorney General for Ireland—addressed his constituents, and he used these significant terms—that the Prime Minister would introduce three Bills, one about the Church, one about the land, and the third about education; and on this declaration of policy he was elected. Therefore, there is no doubt that the Irish people drew the inference that the same policy was to apply to the land as to the Church. Now, I will give a proof of that. In 1868, the Irish land question occupied the attention of the Government, as it had occupied for some time the attention of successive Governments. There was a desire, I must say, on the part of those in Ireland who had been called agitators, and who had been very much abused, to bring it to some settlement, and they made communications to the Government. Now, I think their plan was—first, utterly irreconcilable with priciple; secondly, that it would have ultimately aggravated the evils it was intended to cure. But throwing those great objections aside for a moment, it was not an outrageous proposition. Those who had taken the most active part with regard to the question of the tenure of land in Ireland, those societies and bodies of farmers attended a meeting which had been convened, and agreed to accept what was recommended by Mr. Butt—namely, a lease for sixty-three years, with rents fixed at the Poor Law valuation and 20 per cent added, a re-assessment to be made at the end of the term, and the improvements to be then given to the landlord. I will not enter into the argnment now, but I could never have sanctioned that proposition. But, though it may have been an unwise one, everybody will admit that it was not a revolutionary proposition. Well, that was in 1868. But the moment the agitation arose about the Irish Church, or rather at the period when it was quite clear from the vote of this House that the Irish Church was doomed, these societies and bodies of farmers all receded from that engagement. They all said instantly—"The question has now assumed a totally different aspect; we will no longer be bound by the offer that we made"—and which I believe they made in all sincerity—and the question entered into a new phase, until it culminated in the resolution arrived at by the meeting of Munster farmers when they declared that nothing short of perpetuity of tenure would be satisfactory. Well, is it not clearly demonstrated that they did expect that an analogous policy would be applied to the land to that which was applied to the Church? And I say, was there not ground for the false interpretation that they thus put on the policy of the Government? And what steps did the Government then take to remove that false impression? Why, Sir, we had a discussion on this head last year. I will read a passage, a very short one, from the speech of a noble Lord, who, for every reason, I regret is no longer a Member of this House. Lord Stanley, on the 30th of April, 1869, addressing the right hon. Gentleman the First Minister, said this—

> "What we want—and it is for that purpose alone I now rise—is to obtain from the Government a declaration—it need not be in many words, but I hope they will be plain and distinct —that, while on the one hand, the claim of the tenants to compensation shall be admitted and respected, the proprietary rights of the landlords, on the other hand, will be firmly maintained. Let them only be firm upon that point—let them only act upon what I have no doubt is their own view of the subject—let them only maintain the law calmly and resolutely, and depend upon it you will get over this agitation, as you have got over hundreds of similar agitations. But, if everything is to remain in a state of obscurity until next year, if the Irish people are left in the dark, if they are left, unchecked and uncontradicted, to entertain any wild fancies upon this matter that may float through their minds, then I fear that the present excitement and disturbance will continue, and will even increase; and in that case, but in that case only, I will say, that for what may occur in the next few months the Executive authority must be held responsible."—[3 *Hansard*, cxcv. 2001-2.]

Lord Stanley sat by me when he made those observations, and they had my entire assent. They were clear, they were firm, they were temperate, they were wise. They were made in April, when there was excitement, disorder in Ireland—when there had been even some dreadful deeds committed. But, looking at what happened at the end of the summer and throughout the autumn, that period of April was a period of comparative tranquillity. Now, I ask the House to consider this question calmly and impartially. Did the Government, when those wild misconceptions and excitement prevailed in the minds of the great body of the Irish people, take any step to enlighten them, to guide them in a right direction, and to avert the fearful acts which have been their consequence? Sir, what happened in Ireland? Generally speaking, these farmers of ten acres, those millions of peasants, are naturally influenced by the example of leading men on these subjects. What means have these poor people, who scarcely ever see a newspaper and have nothing at all to guide them—what means have they of forming an opinion as to the probable course and intentions of Parliament or of Ministers, but by the words and the conduct of those who are leaders in the society to which they belong? Now, I do not say that Her Majesty's Government are responsible for the words or the conduct of the hon. Member for Kilkenny (Sir John Gray). I have no doubt that hon. Gentleman is a perfectly independent Member of Parliament; and it is not for me for a moment to insinuate that Her Majesty's Government are responsible for anything that he says or does. But the people of Ireland know that the hon. Member for Kilkenny has great confidence in Her Majesty's Government; he has taken every opportunity of expressing it. They know well that he took a decided line on the Irish Church question; they know, or at least they believe, that if not in confidential, he was in friendly communication with the Prime Minister on that subject; and they know that whenever he spoke on it there was sympathy from official quarters with his remarks and his general views. They know very well, moreover, that upon his general views Her Majesty's Government ultimately acted. I take the hon. Member for Kilkenny to be a fair specimen of an influential and bustling class of Members of Parliament, who are naturally looked up to by their fellow-countrymen, who think them knowing men and acquainted with what is going to happen. Well, he attends meetings, makes speeches, moves resolutions on the land question, and speaks with all the authority of a man who was right on the Irish Church question; and he says to his hearers—"We must be firm; we are sure to get what we want if we are firm; but nothing must satisfy you except fixity of tenure." Is it, then, at all surprising that the Irish people should suppose that by the same course as they got rid of the Protestant Church, of the Protestant Bishops and rectors, they will also get rid of their landlords and obtain fixity of tenure? But there were persons of more exalted position who took a leading part in the affairs of Ireland during the last year. I am not going to make the Chief Minister responsible for the conduct of a Lord Lieutenant of a county, who may have his own views, and may act upon them. He may be independent, and may be imprudent, but a Prime Minister is always in confidential communication with Her Majesty's representatives in every place; and if Her Majesty's representative happens to be not only a Lord Lieutenant of a county, but also a strong partizan and supporter of the Government, it is quite clear that a man of the authority of the present Prime Minister need only give a hint, or order others to give a hint, to a Lord Lieutenant to prevent any imprudent or violent act on his part. But what do the Irish people see? They see a Lord Lieutenant, a Knight of St. Patrick, calling meetings, attending meetings, making violent speeches—I should say incendiary speeches—and counselling his audience to call upon the Government to grant to Ireland fixity of tenure — that is, the transfer of the property of one class to another. Well, is it surprising that all these circumstances should have created in Ireland another and a second source of great excitement on a subject so much calculated to quicken the feelings of that people? In connection with these incendiary speeches, let me, in passing, remind the House of what happened many years ago with reference to one of the most respectable Members of Parliament, who was held in the highest personal esteem by both sides of the House. When Sir William Verner, at an obscure local dinner gave as a toast, "The battle of the Diamond"—one of those unhappy conflicts, as hon. Gentlemen are aware, between Roman Catholics and Protestants in the worst days of Irish history—the matter was immediately brought before Parliament, and I am not sure that the Sovereign was not advised to deprive him of some of the honours he possessed. I am speaking from memory; but was that offence of Sir William Verner — and I would not extenuate it — more outrageous or more incendiary than the allusion of the Queen's representative to "the glories of Vinegar Hill?" Let us see what occurred in Ireland after this to induce the Irish people to entertain a soberer view of affairs. There was the elections. If anything can elicit opinion, it is an election. Her Majesty was advised to elevate an hon. Member of this House (Colonel Greville-Nugent) to the peerage. If blood and large estate qualify for that great post, I think Her Majesty was wisely advised; nor, Sir, as far as I am concerned, do I object at all to see the son of that noble Lord (Captain Greville-Nugent) his successor in this House. I think that if that is the natural result of local influences, of the affection of his neighbours, and of the respect in which he is borne, it is a salutary result, and one which I should never question. But that hon. Gentleman, who may probably at this moment be sitting in this House, could not come into Parliament without expressing the opinions which he came in to support. And what were those opinions? Why, they were described by two solemn declarations—namely, that he was in favour of a complete amnesty for the Fenian prisoners, and for fixity of tenure in respect to Irish land. Of course Her Majesty's Government are not responsible for the opinions of independent Members of Parliament; but, as the hon. Member for Longford is not a very old man, the poor people of Ireland may be pardoned for thinking that he would not be offended if some good advice had been given him by men in authority. It would not be unnatural if they said—"Depend upon it, he would not pledge himself to the emancipation of the Fenians and to fixity of tenure (which is the transferring of one man's property to another) unless he knew what he was about. They made his father a Peer, and he is here to say the right thing." That was the Longford Election, and I think the circumstances to which I have referred were calculated to much mislead the minds of the people. All this time, while the minds of the people were so much misled and such a degree of excitement was added to that which had existed on the subject of the Fenian prisoners, deeds of outrage, crime, and of infinite turbulence were perpetrated simultaneously, and I believe as a necessary consequence of that misleading of the public mind. But there was another Election—a very interesting Election, which has been already alluded to-night. What happened at that Election? There was a Gentleman who occupied a post of trust and confidence in the late Whig Administration, of which the right hon. Gentleman opposite (Mr. Gladstone) was the organ in this House. If there be any post which more than another requires discretion and prudence, and one which more than another requires a man who weighs his words, it is that of Law Adviser to the Castle. Well, the Gentleman who had filled that honourable post was, I will not say the Government candidate, because hon. Gentlemen opposite might blame me for using so unconstitutional a phrase, but the only candidate who came forward to vindicate the policy of the Government, and to support them. I know nothing of the green scarf which he is said to have worn, but I think it highly probable that he did attire himself in that way, for his mind seems thoroughly permeated with that hue, as appears from all his observations. He came forward as the advocate of the immediate release of the Fenian prisoners, and gave three cheers for the people in prison—a most remarkable exhibition of discretion on the part of the late Law Adviser of the Castle. He declared himself a firm supporter of fixity of tenure in land. Now, Sir, notwithstanding the reckless manner in which the late Law Adviser of the Castle—who it was generally supposed was going to be something greater than Law Adviser to the Castle if he succeeded in securing his Election—notwithstanding the reckless manner in which he pledged himself to his intended constituents, he was defeated. He was defeated under circumstances which we shall have to consider in the next eight-and-forty hours. The people of Ireland had to choose between a sham Fenian and a real Fenian, and it is astonishing what a preference is always given to the genuine article. But now I must call the attention of the House to what occurred when the Government candidate was defeated, though he had pledged himself to all those revolutionary doctrines. All this time, especially from the period when Lord Stanley delivered those observations which I have quoted, horrible scenes of violence had been occurring in Ireland, but the Government would never move. Landlords were shot down like game; respectable farmers were beaten to death with sticks by masked men; bailiffs were shot in the back; policemen were stabbed; the High Sheriff of a county going to swear in the grand jury was fired at in his carriage and dangerously wounded; households were blown up, and firearms surreptitiously obtained. All this time the Government would not move, but the moment the Government candidate was defeated on the hustings—a Government candidate pledged to confiscation—pledged to a course of action which would destroy all civil government—the moment that occurred there was panic at the Castle, there was confusion in the Council; the wires of Aldershot were agitated; troops were put in motion, sent across from Liverpool to Dublin, and concentrated in Waterford, Tipperary, and Cork. And all this because the candidate who was prepared to support the Government had lost his election. I remember one of Her Majesty's Ministers saying, I think last year—"Anyone can govern Ireland with troops and artillery." So it seems; even that right hon. Gentleman. But I will not further notice on this occasion anything that may have been said or done by that Minister, because I hear with deep regret that he is obliged to be absent.

Now, I ask the House to consider whether this state of things has not resulted from an erroneous interpretation which the people of Ireland have put on the avowed policy of Government, and from the circumstance that the Government have refrained from attempting in any way to remove that misconception; and what is the position in which we are now probably to be placed. Her Majesty's Government have given notice of their intention to bring forward in a few days a measure respecting the tenure of land in Ireland. I have every hope—I will say every expectation—that it will be a just and prudent measure. If so, it will obtain impartial consideration on both sides of the House, and, so far as I am concerned, it will obtain cordial support. I apprehend it will be a measure that will deal with all necessary points, and with none other; that it will contain nothing that is visionary and fantastic. But if it be a measure of this kind what will the late Law Adviser of the Castle say? What will the Earl of Granard, Her Majesty's representative, Lord Lieutenant of a county, and Knight of St. Patrick say? Above all, what will the hon. Member for Kilkenny say? And when men in their position—men of intelligence and education—are disappointed, what will be the feeling among the great body of the Roman Catholic population of Ireland? What will be the feeling of the farmers and peasants who denounce the proposed settlement of 1868, and who said at their last great meeting that nothing but perpetuity of tenure would do, because that was a word about which there could be no mistake? Sir, I think this is a matter of very serious consideration for the House. I object to the position taken by the right hon. Gentleman. He will excuse me if I say that on this point the language in the Speech from the Throne is ambiguous and confused. Are we to understand that no measures for the protection of life and property are to be taken until these Bills have been passed, and the effects of them have been felt in Ireland? If that is the case we may be prepared for a scene of disorder and disturbance in that country such as has never been before experienced, and such as we shall find great difficulty in successfully encountering. The mention of Ireland in the Queen's Speech is to me inadequate and inaccurate. I may be asked by the right hon. Gentleman—"If that be your opinion why do you not move an Amendment on the Address, and give us what you conceive to be an adequate and accurate description?" I believe that would be not only unwise, but under the present circumstances of the case a most improper step on my part. If we are to have a Bill on the tenure of land brought in, we ought, if possible, to consider it free from party feelings, and with the anxious desire, not to satisfy the wild vagaries of the Irish people, but to lay the foundation of the future welfare and prosperity of Ireland. Then, if so, I can imagine nothing more unwise, or I would say unprincipled, than to precipitate a party division on such a subject only a few days before the introduction of the measure. But I do wish to impress upon the House the great responsibility which they incur on this subject. This is still a new House of Commons. Men have entered it who are proud, and justly proud, to be Members of such an Assembly; but they may depend on it that if they do not resolve to consider the question of Irish government not only in a large but a firm spirit—if they think it possible that the spirit and sense of the people of England will long endure the chronic state of disturbance that now prevails in Ireland—they are much mistaken. And they may be equally certain that when this Parliament comes to a conclusion, which they have entered with so much pride and so much justifiable self-complacency, if they err in the course they take on this question—if they sanction a policy which, if unchecked, must lead to the dismemberment of the Empire and even to the partial dissolution of society—they will look back on the day they entered Parliament with very different feelings from those which now influence them, and they will remember this House of Commons with dismay and remorse.

Mr. GLADSTONE said: I may be allowed to tender my thanks, and the thanks of the Government—in conformity, I am sure, with the feelings of the House—to my hon. and gallant Friend the Mover and my hon. Friend the Seconder of the Address in answer to the Queen's Speech, for the able manner in which they have discharged the arduous duty committed to them. It was hardly to be expected, after the events which have occurred in Ireland, that the short debate of to-night should pass over in a manner as absolutely pacific as has been the case on some former occasions. And yet, having listened to the lengthened remarks of the right hon. Gentleman (Mr. Disraeli), I am bound to say that I cannot regard them with dissatisfaction. In one part of his speech, indeed, I found the greatest cause of congratulation—namely, that the right hon. Gentleman, however he may feel the difficulties suggested by the recent revival and extension of agrarian crime in Ireland, yet, acting wisely and prudently, hesitates to recommend, and declines to recommend, a resort by Parliament at the present moment, and under present circumstances, to the use of coercive and special measures; and in listening to the entire tenour of the speech of the right hon. Gentleman I derive this topic of congratulation—that he feels and is aware of the gravity of the present position of affairs as between Ireland and England. He feels that the questions which have been opened in Ireland have now reached a point which may be the last of all our opportunities for their satisfactory solution; and although I will reply to the criticisms of the right hon. Gentleman upon the conduct of the Government, I will first thank him for this, that in the speech he has made he has done nothing to aggravate the difficulty which as a Parliament we shall have to encounter. Rejoicing, therefore, Sir, that no practical issue is raised between us, I do not make any complaint of the speech of the right hon. Gentleman. The essence and bulk of his speech have consisted of criticisms liberally bestowed, partly on the Executive Government, and partly on those who may occupy a position towards the Executive Government—more or less qualified, of confidence and support. But the right hon. Gentleman also complains of ambiguity in the speech from the Throne, and he makes a demand in this respect which it is but fair I should answer. I confess I do not understand out of what terms of the Speech it is the doubts and difficulties of the right hon. Gentleman have arisen; but I think I can remove them by an express declaration. In the intention announced by the Government, and embodied in the gracious Speech of Her Majesty, so far as that intention imposes a careful daily regard to the condition of Ireland and their duty to propose everything which that condition requires, there is nothing ambiguous or contingent. That duty is absolutely paramount and primary; and, anxious as the Government are that they should give the first place in the order of the Session, as it is also in the mind of Parliament and of the country, to those remedial measures of permanent operation on which their permanent hopes are fixed, yet they feel there are duties which, under certain circumstances, might impose the necessity of immediate action, and occasions which might compel them—although God forbid they should be compelled — to suspend the great purposes of the future, in order that they might meet the crying and irrepressible wants of the present. I hope that in that declaration there is nothing that can be called contingent, with reference to Ireland, between remedial measures and special provisions, if such should be unhappily required. The right hon. Gentleman, by an ingenious and exhaustive process, sought to show—or, perhaps, I ought rather to say desired to leave on the minds of his hearers the impression that Her Majesty's Government are responsible in some manner or other for the recent aggravation in the condition of Ireland with respect to agrarian crime. [*Opposition cheers.*] Yes, just so, and I think I see in those cheers, and in the spirit from which they proceed, the whole reason and purpose of the speech of the right hon. Gentleman. I do not think that he intended to drive home the charge to Her Majesty's Government. He did not, I think, mean to strike us under the fifth rib or to produce a permanent impression on public opinion. The right hon. Gentleman is not to be severely blamed. He has a party at his back, and it is not surprising, if some members of that party, being shocked, as indeed all must be, at recent outrages in Ireland, rushed to the conclusion that strong measures ought to be taken. I think that courtesy to his party required that arguments of this kind should be found for them, when, after the Recess, we meet with appetites a little whetted by disuse of politics, and when hon. Gentlemen opposite were naturally desirous that our proceedings should be criticized in the most innocent and moderate manner. Before the right hon. Gentleman introduced the real culprits he paraded the exercise of the prerogative of mercy. He began by citing everybody and then acquitting everybody. It is not the maladministration of justice which is the cause of these outrages. We admit it. It is not the conduct of the landlords that has been to blame. It is not the conduct of the Roman Catholic priesthood, for the right hon. Gentleman, with a manly and just spirit, bore testimony to their conduct. It is true that, according to the reports in the newspapers, there were individuals of that body who may have been concerned; but there were a very few individuals who had used language ill-becoming the positions they hold as ministers of peace, bound to consider alike prudence and the interests of religion. But it is also true, as the right hon. Gentleman has said, that, speaking generally, and with the rarest and most trifling exceptions, the influence of the priesthood has been exerted in the support of order and of the Executive Government. I join most heartily, then, with the right hon. Gentlemen in their acquittal. The right hon. Gentleman has also acquitted the Fenians, and to a degree to which I can hardly follow him, and I will only say that this part of the case will well bear an adjournment. I am not sure that any one else was acquitted; but I may say generally that the right hon. Gentleman acquitted all and sundry. At last it appeared that the causes of all that has happened are to be found in the false interpretation of the policy of the Government. I admit that it is difficult to render an accurate account of the cause of these evils, and I should not presume to dogmatize in regard to them. But I now come to the statement of the right hon. Gentleman, that the policy of the Government has been misunderstood in Ireland; that the misunderstanding was natural in consequence of the part they took, and that such misunderstanding has been the cause of the mischiefs we must all deplore. These statements are supported by two allegations—first, that there appeared last Session at the Bar of this House an imposing group of the official representatives of the municipality of Dublin, who were staunch supporters of Her Majesty's Government; and that, deferring to the representations which were then urged upon us—first in regard to the support of the Irish Church Bill, and next in regard to the liberation of the Fenian prisoners—we granted an amnesty of which the right hon. Gentleman complains, because he says it is a bad amnesty under the circumstances, and secondly, because it is a partial amnesty. Now, I must take the liberty to say that the right hon. Gentleman here takes a slight liberty with history. It is true that the deputation was headed by the Lord Mayor and Sheriffs of Dublin, and that it appeared at the Bar of this House. It is true that the Government permitted the release of a certain number of the Fenian prisoners; but it is not true that this release was due to that solemn apparition at the Bar, and for this reason, that the release of these prisoners was a measure adopted by the Government before the Session of Parliament began, and was announced by the Government within a week of the Session, and three weeks before the Lord Mayor and the Sheriffs of Dublin gave us the honour and satisfaction of seeing their characteristic costumes within our walls. But, Sir, I cannot find much fault with the right hon. Gentleman if he has used slender and flimsy material in the construction of the fabric which it was almost a necessity that he should rear tonight; because no workman is responsible for doing anything more than the best he can with the materials which are placed at his disposal. I cannot see where the right hon. Gentleman could have found any materials in the slightest degree more favourable for his purpose than those of which he has made such an ingenious use. The challenge of the right hon. Gentleman was that the amnesty of the Government was bad because it was a partial amnesty. I take issue broadly with the right right hon. Gentleman upon that point. I do not, of course, blame the right hon. Gentleman for not having challenged the amnesty at an earlier period—he was perfectly in the right to wait until the consequences likely to flow from it had unfolded themselves; but I take the liberty of challenging the right hon. Gentleman's proposition that a partial amnesty must of necessity be wrong. I, on the other hand, maintain the reverse proposition. In my humble opinion it is the duty of an Executive Government—and upon this principle the Government acted in the present instance—te make an examination into the various characters and classes of the prisoners. In conducting that examination, the Government found among those who were confined many of whose reclamation no present hope could be entertained, and others who would become formidable to the public peace if released. But when large numbers of men, after a movement like that of Fenianism, are taken before the Courts, not with indecent haste, but still with something of rapidity, and found—and justly found—guilty by the score of offences, and it is required by public necessity that they should be sentenced to prolonged terms of imprisonment, it is impossible that any amount of care can enable punishment to be meted out to them in strict accordance with the amount of guilt attaching to them, and, therefore, it became the duty of the Executive Government, and of those who fill the offices of my right hon. Friend near me (Mr. C. Fortescue) and of the Viceroy of Ireland—not in consequence of any agitation either in or out of this House, but from their own sense of what is due to public policy, to public justice, and to public humanity, to inquire into the case of each individual prisoner, and to deal with it in the manner they sincerely believe to be right and just. The grounds upon which all these prisoners to whom the right hon. Gentleman referred have been released were these three:—In the first place, release was granted to all those who were regarded as not being deeply implicated in the conspiracy, but who might rather be regarded as having been misled than as having been deeply tainted with disloyalty. In the second place, those who inquired into the matter asked themselves what was the significance of those particular persons, because in cases where they were without influence or consequence, and without following or power to act upon their countrymen, it is a poor satisfaction to keep a large number of men of that description in penal servitude for a long term of years for a political offence. Well, there was only one who belonged to the third class, namely Kickham, who has not been named, but was referred to in the speech of the right hon. Gentleman as a writer in the Irish Press. The case of Mr. Kickham is a very simple one. I do not know whether it would have been in his power to have pursued his occupation in prison; but the case turned entirely upon the question of his physical condition. That was so bad, and the maladies which threatened him were so serious, that the Government must have contemplated that his prolonged imprisonment would have led to a fatal termination. Now, does the right hon. Gentleman think with reference to a single person of this kind, of no great faculty or influence after all, that it would be wise in us, in the face of the Irish people, to have prolonged an imprisonment, when we were professionally advised and warned as to its probable termination? So much, then, for partial amnesty, as it is called, an expression which means that it was a discriminating amnesty founded upon a comparison of severity of punishment with degrees of guilt, and which, in this case, is synonymous with a just and wise amnesty. "Then," says the right hon. Gentleman, "the amnesty has been one of the most prolific causes of Fenian outrage." But the amnesty was granted early in February, and the right hon. Gentleman himself admits that it was not until the autumn that the main outbreak and outrages occurred, and surely that alone is calculated to tell greatly against the right hon. Gentleman's objection. Has, however, the right hon. Gentleman been able to show in any measure that there was any connection whatever between the augmentation of agrarian crime to which he has referred and the partial release of the political prisoners by Her Majesty's Government? It is perfectly true that some of the individuals to whom the amnesty was offered have refused to abide by its terms at first—whether they have since altered their minds on the subject I know not—but they are utterly insignificant persons, and in making them the theme of a discussion in this House the right hon. Gentleman has bestowed upon them an honour to which they were not by any means entitled. The right hon. Gentleman then challenged the conduct of the Government upon this ground, which, he said, by causing our policy to be misunderstood, had also in no slight degree contributed to the agrarian outrages in Ireland. He said that the people of that country had misunderstood the policy of the Government, who had so conducted themselves as to allow the conclusion to be drawn that having destroyed the Irish Church by the Act of last year they intended to destroy the Irish land by their Bill to be introduced in the course of the present Session, as being part and parcel of what had been denounced under the term of "Protestant ascendancy." Of course the right hon. Gentleman carefully disclaimed holding any such an opinion himself. I am very reluctant to follow the right hon. Gentleman into the meaning of the term Protestant ascendancy, because I wish to disassociate, as far as possible, the land question of Ireland from all former discussions, in order that it may be decided solely on its own merits. As we cannot usefully draw illustrations from the controversy of the past for the controversy of the present, let us start afresh. I, for one, am quite willing to forego any proof of connection between the land laws of Ireland and Protestant ascendancy, rather than quicken in the minds of hon. Members or of the public any sentiments that can associate the proceedings they are to set about, I hope, next week, with the necessarily controverted subjects we dealt with in the last Session of Parliament. But there is another part of the right hon. Gentleman's argument to which I must refer. He says it was known that we were going to destroy the Church, and consequently inferred—if it had been a parallel argument he would have said the land of Ireland, but the right hon. Gentleman felt that it would not do to put the proposition in that form, so he said it was known that we were going to strip the Bishops and clergy, and therefore it was inferred that we were going to strip the proprietors. But to strip the Bishops and clergy was the very thing that we were not going to do, and there is no Bishop or clergyman in Ireland who does not possess, and will not possess, after the disestablishment every shilling he owned previously. In order to make out his argument, the right hon. Gentleman, hopelessly pressed by the poverty of his materials, refrained not only from stating accurately the nature of the Irish Church Act, which was a measure for destroying the Establishment, and saving the rights of the Bishops and clergy; but he turned the measure inside out; but he saw that if he had stated what it was it would have been absurd to attribute to an Irishman, or any one else, the parallel reasoning that we were going to destroy the land or the cultivation of the land in Ireland. The right hon. Gentlemen undertook, apart from these arguments of parallelism, to adduce some proofs of the statement that it was owing to the declarations, or the non-declarations, of the Government that our intentions had been misunderstood, and hence had arisen all this mischief in Ireland. Accordingly, he referred to a speech delivered by the present Lord Derby, whose absence from this House I, and I am sure every Friend who sits near me, cordially join in regretting; although we are glad to think that his absence from this House does not mean the withdrawal of his time or his abilities from the service of his country. And when the right hon. Gentleman drew a cheer from his supporters by quoting from the reply to the noble Lord the statement that great would be our responsibility if we refrained from making a declaration of our intentions, I sat in fear and trembling, thinking to myself, "Here has the right hon. Gentleman hit upon some unfortunate expression of mine in answer to that Question, or of one of my Colleagues,"—which was much more unlikely. I sat in misgiving, waiting for the quotations which the right hon. Gentleman was about to make from the declarations of the present Government; but I was considerably comforted when I found that the right hon. Gentleman did not make any reference to those expressions, and advisedly so, for, having ransacked all my speeches, he could not find anything of the nature he had described. I will not quote my own speeches, which are to be found in the usual and orthodox volumes of record; but I may quote two or three lines from an indisputable witness—my hon. Friend the Member for Devizes (Sir Thomas Bateson). It may be objected that he is an English Member, but it is with a strong Irish flavour. The hon. Baronet has given notice of a Question to-night which I think ought to immortalize him. If he has no other title to go down to posterity he will be recollected from generation to generation as the author of the longest, the most complicated, and the most entangled question that was ever by one human being administered—or proposed to be administered—to another set of human beings. My hon. Friend followed me on that occasion, when it seems I had threatened the rights of property, and he said this—"He rejoiced that the First Minister of the Crown had not declared for fixity of tenure." Then what becomes of the argument of the right hon. Gentleman that we have given any ground for the supposition that we intend to destroy the land of Ireland? Well, I suppose that the right hon. Gentleman must not be blamed for not making bricks without straw. We must not be held responsible for what Mr. A, or B, or C, or D say, who have received no authority whatever from us. A noble Lord, the Lord Lieutenant of a county in Ireland (the Earl of Granard), has been spoken of; but as that noble Lord is included in the Question which the hon. Member for Devizes is to put on a future day, it would be more convenient that any discussion to be raised upon that question should stand over until then. I think I have a little right to complain of the right hon. Gentleman for an act of suppression. He quoted my hon. Friend the Member for Kilkenny. The hon. Member for Kilkenny certainly did excellent service to the country in connection with the question of the Church Establishment in Ireland. I am not ashamed to make that declaration. But we had no covenant or compact with my hon. Friend; he is free of us, and we are free of him. We shall, as separate constellations — each of them finding abundant and ample room in space—continue to march in our own orbit, I have no doubt, very good friends with each other, but each claiming liberty of thought and liberty of action. So much for the case of the hon. Member for Kilkenny. The right hon. Gentleman also spoke of the son of the noble Lord, lately Member for Longford, against whom it was very difficult indeed to establish a charge; but the most important and telling charge of the right hon. Gentleman opposite—his real culminating accusation—was the case of Mr. Heron, "the Law Adviser to the Castle." The right hon. Gentleman fell into an error about the Dublin Corporation; but his error with regard to Mr. Heron was of a more serious character. Mr. Heron, as Law Adviser to the Castle, is said to have given certain cheers, or to have worn a certain scarf, indicative, or supposed to be indicative, of sentiments which perhaps the Government could not approve. But the fact is he had not been Law Adviser to a Liberal Government for a period of between three and four years; he had ceased to be the Law Adviser to the Castle, and had returned to his native and primitive independence. Is it not rather hard upon him that he should be expected to tune his instruments according to what in our view constitute instrumental or vocal harmony, when he is as free in the face of the Government as the right hon. Gentleman? This is a very serious doctrine laid down by the right hon. Gentleman, that Leaders of a party, such as must necessarily form a Government, are to be responsible for all the sentiments uttered by all their independent supporters; and not only so, but, that the people of Ireland, and, I suppose, other people—for the right hon. Gentleman will hardly insist that the people of Ireland are under any intellectual disability—are not to take the declarations of the intentions of the Government from the mouths of members of the Government or from the measures of the Government, but are to take them from those stray speeches made, or articles written, by their independent supporters. Before the right hon. Gentleman fully adopts that doctrine, let him well measure the length to which it will extend. If the doctrine be laid down for a Government, it cannot possibly stop short of touching the Opposition. I had not intended to refer to a subject of this kind. I almost feel as if I were making an ungrateful return to the right hon. Gentleman, after the pledge he has given that any measure of ours on the subject of Irish land shall have his careful consideration. I will make my reference only sufficiently distinct to show that it is not idle or without meaning. But if we are to be held responsible for the declarations of those to whom he has referred, is the right hon. Gentleman to be held responsible for the declarations of those who held the very highest Executive offices in connection with his Government? He has said that he indulges in the cheerful hope that our measure upon Irish land will be conceived in a spirit of justice and sound policy. Is that what has been said by those with whom he was connected in the late Government? I think the right hon. Gentleman could not have read the speech made by a nobleman who received a very high mark of approval from the Crown in reference to his administration of the Government of Ireland, and who lately, in public, warned the Protestants and people of Ireland that any measure which we might produce relating to the land of Ireland would be no better than either a party manœuvre or an engine to augment the influence of the Roman Catholic priesthood in Ireland. I beg the right hon. Gentleman to observe that I do not consider that he is responsible for that declaration; but if I offer him such liberal terms—if I do not take account of observations made by a noble Duke standing in such close political relation to himself—I may very well claim that he shall not consider as our political and public mouthpiece a gentleman who—though we may highly respect him, and though we should be very glad if we could obtain his confidence—has, nevertheles, ceased for three or four years to be the Law Adviser of the Liberal Government. Indeed, had Mr. Heron succeeded in his candidature, we have not the slightest notion whether he would think fit to support or oppose the Government measures. He was not the Ministerial candidate for Tipperary; he never called himself so; and no idea existed that he had any claim to the title until the right hon. Gentleman, with befitting condescension, was pleased to bestow it. I think I have shown that we are not responsible for this supposed misunderstanding of our policy, which the right hon. Gentleman thinks is the cause of the late extension of agrarian outrage. I will not dwell on that subject. We have reached, perhaps, nearly the close of this discussion, and I will add very few and very modest words. It is quite possible that Gentlemen opposite, like others, may recognize that in the paragraphs of the Speech relating to Ireland, we have endeavoured to give a true and unvarnished account of the actual state of things in that country. Undoubtedly there has been an erroneous impression existing with regard to the number of outrages now and in former times; but we have not kept out of view this aggravation with regard to recent outrages, that there has been a complete failure in obtaining such evidence as would bring the offenders to justice. There are, no doubt, two sets of people in Ireland with regard to whom the perpetration of crime at this particular period would appear to be conducive to their aims. In the first place, those who are connected with Ribband societies would, perhaps, not unnaturally argue, from their most false point of view, that by establishing a reign of terror they would extort a larger measure with respect to Irish land from the fears of Parliament. Most false, most untrue; but, at the same time, an idea not unlikely to be entertained, especially when we consider that whenever there is a tendency, either from permanent or temporary causes, to the general commission or to the general indulgence of crime, the same period tends to bring to the surface all the really bad and vicious elements of society; and the criminals and bad men, who are to be found in Ireland, as in every other country—though it is due to Ireland to say that they are not to be found there in extraordinary numbers—these bad men will find at such times the opportunity of giving vent to feelings of vengeance and of carrying out plans of private revenge. There are two things to be borne in mind. The first is this—To the Fenians it is of vital importance that, by some means or other, this House should be impeded in the work of giving effect to its determination to establish just laws in Ireland. There is no uncharitableness in charging that upon the persons who call themselves Fenians, because they have shown that disposition by the most undeniable public manifestations, and by violent interference with the right of public meeting and of freedom of speech. I cannot wonder at it; for I believe that if we should happily succeed in proposing to the House, and the House should co-operate in passing good and just laws for removing the evils now accompanying the tenure and cultivation of land in Ireland, it will be from such laws, and from such laws alone, that Fenianism will at length receive its death blow. The very best exertions of the best Executive Governments can do no more than put down its outward manifestations; let us go down to the root—let us go inward to the source; and that is what we hope and mean to do. That is what they are determined that we shall not do. And I cannot hesitate to say that they would, indeed, be blind to the whole nature of the question in which they are engaged, unless they took every legitimate means—and sometimes, I am afraid, very illegitimate means—of producing disturbance and want of confidence in Ireland; everything, in fact, that may provoke Parliament to turn aside from the path of beneficial legislation to discuss angry and coercive measures in reference to the present state of Ireland. It is fair to admit that, while the direct action of Fenianism has had its stimulating effect upon the general lawlessness, and has contributed to the increase of outrages and of public mischiefs, a share of responsibility is also due to us, which I do not seek to evade. I admit that whenever great questions of this kind are raised, and especially whenever they are raised by an Executive Government, a certain excitement is necessarily communicated to the public mind in any and in every country, most of all in a country where the public mind—under long suffering, consequent on innumerable errors of government, has fallen into a morbid state. This certainly is a remarkable circumstance—that, as far as our evidence goes—and we have heard the statement from many quarters—last year has been distinguished by somewhat more than the ordinary regularity and punctuality of payment of rents in Ireland. That is a satisfactory thing in itself; but the feeling to which this circumstance is attributable may lead in different directions to very important results. It betrays an expectation in the minds of the people of Ireland that hereafter they are to pursue their avocations as cultivators of land with greater advantage than they have done hitherto; and if they think that some reparation is to be made to them in respect of the unrequited labours which they have heretofore bestowed upon the soil, their tenacity of attachment to the particular spot which they have held is quite sufficient, on the one hand, to account for an increased desire to discharge their share of the covenant implied in the payment of rent to the landlord; while, on the other hand, it leads them to regard with greater jealousy and apprehension the process of eviction. and to entertain the determination, even with the strong hand, to resist its application. These are matters which, as it will be necessary for us to discuss hereafter, I need not trouble the House, I think, at the present moment with details with regard to the condition of Ireland; but having defended—and I think it due not only to my Colleagues but to the right hon. Gentleman himself that I should endeavour to defend—the Executive Government against the charges in which he has most immeasurably indulged, I will conclude by thanking him for the evidence he has given that he feels the gravity of the situation of England in the face of Ireland, as an Imperial question, and from the promise which I have on the part of others, as well as himself, I hope that the propositions we are about to make will receive a fair and candid consideration.

MR. NEWDEGATE observed that it was a curious circumstance that as last Session there appeared to be practically but little difference between the Leader of the Government and the Leader of the Opposition on the principle of the measure for disestablishing the Irish Church, so now upon the tenure of Irish land their unanimity would lead to the question out-of-doors, where does this policy come from? The right hon. Member for Buckinghamshire (Mr. Disraeli) had stated the Fenian conspiracy to be the cause of legislative interference with regard to the Irish Church, and that the Fenian conspiracy was of foreign origin, while the Prime Minister admitted that the Fenian conspiracy was the motive power which impelled his policy with respect to the Irish Church, and now the right hon, Member for Buckinghamshire endorses the policy of an interference with land, which is the sequel of the foreign policy with respect to the Irish Church. He (Mr. Newdegate) had last Session a suspicion that the policy which overthrew the Establishment of the Irish Church was a foreign policy, but he had scarcely expected that his suspicion would be verified by the high authority of both the right hon. Gentlemen. There was a strong feeling out-of-doors that during the last two Sessions the attention of the Legislature had been too much devoted to Irish matters. He had risen for the purpose of directing attention to an omission in the Speech. It was notorious that for the last two or three years the artizans in our manufacturing districts had been suffering from grievous want arising from the absence or scarcity of employment. The remedy proposed by certain benevolent individuals was emigration, and he would remind the House that banishment was once regarded as a very heavy punishment. Enforced emigration was, after all, nothing but banishment, and he could assure the House that banishment with many had not yet lost its sting. Over and over again they had been told that among the crimes of England must be numbered her policy, which had led to the expatriation of many of the Irish people, and yet they were told by those who thought themselves philanthropists that thousands upon thousands of English and Scotch artizans might do well if they should follow the course of the expatriated Irish. He could not help thinking that it was significant that they should have put into their hands a Speech from the Throne in which no allusion was made to this depression. There was not a word in it having reference to the sufferings of the working classes of this country, although they formed a large proportion of the English people. He had heard them express the opinion that Ireland was permitted to occupy too much of the attention of Parliament, and that it was time some hon. Member should call attention to the great distress which existed amongst a large portion of Her Majesty's subjects in England, a distress not of recent origin, but existing now for three years. The pressure which those men felt had touched but lightly the wealthier classes. Some two or three years ago, when the collapse of certain speculations took place, some of the wealthier classes felt the pressure; but large classes of operatives and artizans were suffering most acutely from the depression of trade for a period of three years continuously. In addition, they were now beginning to feel the pressure of foreign importation. They found that their products were now superseded by the importation of foreign manufactures, and they ask the House not to ignore their case during the present Session, as they did in the previous one—and there was an immediate occasion for such a discussion. They were told that the Treaty with France was about to be renewed. Under that Treaty many articles were imported into this country which displaced the labour of the British operatives. And not only articles of French origin, but articles from other countries were allowed to pass through France, and come into England duty free, by virtue of the French Treaty. The operative classes of this country had come to the knowledge that the external trade of this country was not increasing so largely as that of other countries which adopted a different commercial system; and they complained of the total want of reciprocity exhibited by those other countries towards us in respect to certain articles of trade. While the head of the Government and the Leader of the Opposition agreed in so wonderful a manner upon general policy, there was a feeling growing up among the operatives that they were not represented in that House. True, the people had their remedy in their own hands under the present extended suffrage. He should be greatly deceived if they did not now use the power they possessed in proving that fact, and of showing that it was not just or wise, when the people were suffering dire distress from the depression of trade for a period of three years, that no notice of their condition should appear in the Speech from the Throne. He was willing to accept the fact of the absence of the right hon. Gentleman the President of the Board of Trade (Mr. Bright) as a reason for postponing the discussion of the subject on that occasion. He lamented the indisposition of the right hon. Gentleman; but this did not, in his opinion, justify the omission of notice of this depression of the working classes from the Speech delivered that day from the Throne. This bore an appearance of neglect on the part of Her Majesty's Government. It was an idle hope, if the Government thought that they had, as it were, washed their hands of the interests of those men because they succeeded in passing sundry measures which they called free trade measures. The right hon. Gentleman at the head of the Government was so uneasy about the action of the Fenians in Ireland that he had changed the whole policy of the United Kingdom towards that section of it. He would tell the right hon. Gentleman that there were men actively at work now amongst the operative classes of this country who would readily catch hold of any evidence of neglect on the part of the Government, or that House, to carry out their own views in spite of either. He simply rose to beg the House not to ignore the state of depression which existed amongst the operatives, on account, as it were, of the patience with which these sufferings had been borne; as by so doing they would only be increasing a wide-spread feeling of discontent, which would speak trumpet-tongued in the ears of the Government.

Mr. EASTWICK said, that the hon. Member who had just sat down had done good service in calling attention to the omission of any reference to the existing distress in the Speech from the Throne. Thousands would be calling for an explanation of that omission. Her Majesty's Government were well aware of the distress that existed, and that it had gone on increasing up to this moment. This fact had been brought to the attention of the right hon. Gentleman, and, if it had not, the statistics on the subject ought to have forced it upon his consideration. If Her Majesty's Government were not prepared with measures to alleviate the distress they should, at least, have expressed sympathy with the suffering to which they might not be able to apply a remedy. They had heard a great deal about Ireland during this discussion, but very little of England. The case of Ireland was not one of distress, but of discontent and disaffection, and he could not suppose that the discontent and disaffection in the sister country created a stronger claim upon the attention of Her Majesty's Government than the sufferings which were borne so uncomplainingly by the people of this country. He hoped the Ministers would offer some explanation upon this subject, and show that they were prepared to deal with the facts which it was idle to deny, and impossible much longer to overlook.

MR. ORMSBY GORE said, that at the close of last Session ninety Members of Parliament waited upon the Prime Minister to induce him to take measures for the reform of the railway system in Ireland. He hoped the Chief Secretary for Ireland would allow him to ask whether Her Majesty's Government would be prepared to legislate on the subject this Session.

MR. SCOURFIELD said, he did not know whether it was the intention of the Government to fuse several counties into one for the purpose of holding assizes. If they contemplated doing away with the old boundaries of counties he should offer the proposal his most decided opposition.

MR. CHICHESTER FORTESCUE said, that the Government did not intend to make any declaration upon any great question with regard to Ireland until they had introduced their measure about the land. But in a short time they would be prepared to announce their intentions with respect to the subject to which the hon. Member (Mr. Ormsby Gore) had referred.

MR. MACFIE said, that the sufferings of the shipbuilders in the port of London had, no doubt, been in the minds of some hon. Members; but that was due to a change in the location of trade, for the business which was so bad in London was one of the most prosperous on the Clyde, where a great part of the shipping, not only of this country, but of foreign countries, was built. He gave, he hoped rightly, a large meaning to the expression in the Speech in regard to the Empire, and trusted Government would have the honour of consolidating the Colonies and the United Kingdom in one great and prosperous Britannic Empire. But the Queen's Speech could not contain everything. If there was any fault to be found with the Speech it was that it presented too large a bill of fare.

Motion *agreed to.*

Committee *appointed,* to draw up an Address to be presented to Her Majesty upon the said Resolution:—Captain EGERTON, Sir CHARLES WENTWORTH DILKE, Mr. GLADSTONE, Mr. CHANCELLOR of the EXCHEQUER, Mr. Secretary BRUCE, Mr. Secretary CARDWELL, Mr. CHILDERS, Mr. GOSCHEN, Mr. WILLIAM EDWARD FORSTER, Mr. AYRTON, Mr. ATTORNEY GENERAL, Mr. SOLICITOR GENERAL, Mr. OTWAY, Mr. STANSFELD, and Mr. GLYN, or any Five of them:—To withdraw immediately:—Queen's Speech *referred.*

House adjourned at half after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, 9th February, 1870.

MINUTES.]—NEW WRITS ISSUED—*For* Southwark, *v.* Right Hon. Austen Henry Layard, Chiltern Hundreds; *for* Londonderry City, *v.* Richard Dowse, esquire, Solicitor General for Ireland.

SELECT COMMITTEE—Kitchen and Refreshment Rooms (House of Commons), *appointed.*

PUBLIC BILLS—*Ordered*—Solicitors' and Attorneys' Remuneration *.

Ordered—First Reading—Annuity Tax (Edinburgh) * [4]; Life Assurance Companies * [2]; Cattle Stealing * [1]; Game Laws Amendment * [3]; Church Rates (Scotland) * [5].

METROPOLITAN FOREIGN CATTLE MARKET.—QUESTION.

LORD ROBERT MONTAGU said, he would beg to ask the Vice President of the Committee of Council on Education, Whether the Government have determined that there shall be a Foreign Cattle Market in the Metropolis, in accordance with the wishes which were urged during the last Session; and, whether a site has been fixed upon?

MR. W. E. FORSTER: The only answer, Sir, I can give the Question of the noble Lord is, that the Government have endeavoured fully to carry out, not merely the wishes expressed last Session, but the Act that was passed last Session. The noble Lord, no doubt, is aware that the question of the metropolitan market was left by the Act in this way. It was left to the Corporation to have power to make such a market; but, if it was not made to the satisfaction of the Government by the end of next year, then the Corporation of London were to lose certain advantages, and especially what I may call their market monopoly. Consequently no duty has been incumbent upon the Government except the duty of keeping in communication with the City authorities. I can only say that I have lost no time as regards the performance of that duty. I have been in frequent and constant communication with the City authorities, and have every reason to believe that they will undertake the work which has been imposed upon them. The Corporation referred the matter to the Market Committee; I am not sure whether that Committee has reported to the Corporation or not, but the decision of the Corporation on that report has not been come to, although

I expect it will be made within a very few days. If the noble Lord renews his question in a few days, I daresay I shall be able to inform him what will be the site.

The Queen's Speech—The Address in Answer to the Queen's Speech.

Report of Address *brought up* and read.

On Motion to agree to the Address,

RIGHTS OF ALIENS.

OBSERVATIONS.

Mr. HADFIELD said, he would take this opportunity of calling attention to the Law affecting Aliens, under which, as it now stood, they could hold no land in this country. It was true that, under a late Act of Parliament, a foreigner might take a lease for years of a house for his habitation, but anything like a freehold was a sort of forbidden thing; he could not hold land, a dwelling, a warehouse, or premises, though necessary to enable him to carry on his business. When they were discussing the two subjects of transferring allegiance from one nation to another, and the mode of transferring land from one person to another, he thought this grievance under which aliens laboured should be considered. English subjects occasionally bought freehold in their own name for the benefit of foreigners. He would like to know what objection there could be to a foreigner, who came here for a number of years to engage in business, buying a counting-house, or a house for residence? The fear that foreigners, who had these privileges, might upset the institutions of the country was an obsolete absurdity. He hoped that there would be some provisions in the Bill to be shortly introduced to enable not only naturalized foreigners, but even those who only paid a temporary visit to this country, to acquire land by purchase. In America, he understood the law was somewhat conflicting. In some States land was absolutely given away to induce emigrants and others to settle upon it; but, in other parts of the Union, restrictions were placed upon foreigners in this matter. Attention should be given to the subject in negotiations with foreign countries, and he hoped to obtain from the Government an assurance that it should receive careful consideration.

Mr. BRUCE: I am happy, Sir, to give my hon. Friend in public, as I have already given him in private, an assurance that this subject has been under the consideration of the Government, and that, in a few days, a Bill will be introduced in the other House which will deal very fully, and I think to the satisfaction of my hon. Friend, with the important subject he has brought under the notice of the House. That Bill, however, deals solely with the question as regards the law of England. The laws of other countries, and especially in France, are far more liberal on this point than ours; but I cannot undertake to say, at this moment, whether or not the Bill will make provision for entering into treaties with foreign countries. That is a subject for future consideration. So far as regards this country, my hon. Friend will find that the Bill deals fully with the matter he has named.

PAUPERISM AND THE POOR LAWS.

OBSERVATIONS.

Mr. CORRANCE said, that, considering the wide range of subjects dealt with in the Queen's Speech, it might be thought that he was making an unreasonable objection when he called attention to what he thought an important omission. As this Parliament was elected, to a large extent, by members of the working classes, there seemed to him to be a remarkable absence of reference to measures for the benefit of those classes. The only question in the Address which appeared to have a bearing upon them was that of primary education; and he believed that was not resolved on until a late period. One subject pressed very gravely upon the nation at this time—namely, our condition with regard to pauperism and the Poor Laws. He was happy to find, from some Notices which he saw on the Paper, that this subject was about to be partially treated. Still he could not help remarking on the omission of all reference to it in the Queen's Speech. Last year, he mentioned three subjects which he thought had been omitted in a similar manner. They were Local Taxation, the Cattle Plague, and Pauperism. One of these questions formed part of the legislation of last Session, and was dealt with by the Government; and on the first they had a satisfactory assurance that it would be dealt with in the course of this Session; but, with regard to Pauperism and the Poor Laws, there was no such promise in the Speech. He had taken an opportunity of bringing the whole question before the House last Session, and he thought it met with a very inadequate response from the Treasury Bench. Since then nothing whatever had been done. No doubt, a Minute had been issued, but the effect it had produced, and the manner in which it had been received, were proofs positive of the want to which he now called attention. The Minute had fallen entirely short of its object. Under such circumstances, he felt justified in asking the serious attention of the House to the necessity of the further consideration of the subject.

Address *agreed to*:—To be presented by Privy Councillors.

QUEEN'S SPEECH,—to be considered *To-morrow.*

ANNUITY TAX (EDINBURGH) BILL.

On Motion of Mr. M'LAREN, Bill to abolish the Annuity Tax or Ministers' Money which is levied in the parish of Canongate within Edinburgh, and to make other provisions respecting the stipends of the Ministers in that parish, and also respecting the stipends of the Ministers in the city parishes, *ordered* to be brought in by Mr. M'LAREN, Mr. MILLER, and Mr. CRUM EWING.

Bill *presented*, and read the first time. [Bill 4.]

LIFE ASSURANCE COMPANIES BILL.

On Motion of Mr. STEPHEN CAVE, Bill to amend the Law relating to Life Assurance Companies, *ordered* to be brought in by Mr. STEPHEN CAVE, Sir THOMAS BAZLEY, and Mr. RUSSELL GURNEY.

Bill *presented*, and read the first time. [Bill 2.]

CATTLE STEALING BILL.

On Motion of Sir GEORGE JENKINSON, Bill to extend the provisions of the Law as to stolen Horses to all other kind of stolen Cattle, *ordered* to be brought in by Sir GEORGE JENKINSON, Mr. STAVELEY HILL, Mr. PELL, and Mr. WREN HOSKYNS.

Bill *presented*, and read the first time. [Bill 1.]

GAME LAWS AMENDMENT BILL.

On Motion of Mr. PHILIP WYKEHAM MARTIN, Bill to amend the Laws relating to Game, *ordered* to be brought in by Mr. PHILIP WYKEHAM MARTIN, Sir DAVID SALOMONS, and Sir HENRY HOARE.

Bill *presented*, and read the first time. [Bill 3.]

CHURCH RATES (SCOTLAND) BILL.

On Motion of Mr. M'LAREN, Bill for the Abolition of Compulsory Church Rates in Scotland, *ordered* to be brought in by Mr. M'LAREN, Mr. GRAHAM, and Mr. CRAUFURD.

Bill *presented*, and read the first time. [Bill 5.]

SOLICITORS' AND ATTORNEYS' REMUNERATION BILL.

On Motion of Mr. RATHBONE, Bill to amend the Laws relating to the Remuneration of Solicitors and Attorneys, *ordered* to be brought in by Mr. RATHBONE, Mr. GEORGE GREGORY, Mr. MORLEY, and Mr. GOLDNEY.

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

Standing Committee *appointed*, "to control the arrangements of the Kitchen and Refreshment Rooms, in the department of the Serjeant at Arms attending this House:"—Colonel FRENCH, Mr. HENRY EDWARDS, Mr. DALGLISH, Mr. ONSLOW, Mr. ADAM, Mr. FITZWILLIAM DICK, Mr. Alderman LAWRENCE, Mr. GOLDNEY, and Captain VIVIAN:—Three to be the quorum.

House adjourned at a quarter after One o'clock.

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HOUSE OF LORDS,

Thursday, 10th February, 1870.

MINUTES.]—Several Lords—Took the Oath.

STREET TRAMWAYS.—OBSERVATIONS

LORD REDESDALE rose to call the attention of the House and of the Government to the various Bills lodged in this House for introduction in the present Session for the construction of Street Tramways. Everybody was now, he believed, of opinion that if, at the first introduction of railways, there had been some Government inquiry into the whole subject, and some definite principles laid down as to the manner in which the lines were to be made, and the schemes introduced, a great public advantage would have been secured, and much expenditure and many useless Parliamentary contests would have been avoided, It was because, at the present moment. a new system of street tramways was on the point of being introduced, and that it was desirable the same mistakes should be guarded against, that he felt it to be his duty to call the attention of the House and of the Government to it.
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In 1867, a Bill was passed respecting street tramways in Liverpool. In 1868, there was no Bill on the subject. In the last Session there were three Bills relating to metropolitan tramways; in the present one there were twenty-four, or a tenth part of the whole number of the Private Bills, of which notice had been given. According to the Report of the Board of Trade, the share capital of these twenty-four schemes was over £3,000,000, and in addition there were borrowing powers to the amount of £800,000. The seven schemes proposed for the metropolis proposed the construction of 145 miles of tramways; the capital was more than £1,100,000, and the borrowing powers exceeded £400,000. It was to be remembered that the promoters of these schemes proposed to appropriate to their own profitable use in a certain manner that which was already public property—namely, the streets and highways. They were to go to no expense in the purchase of land. They only covenanted to keep in repair that portion of the streets which they occupied; and, though that would be some saving to the public, it was obviously necessary for the success of the schemes, and was not proposed out of any consideration for the public. In effect, the promoters desired to take a great deal from the public, and to give nothing in return, except the accommodation to be provided by the tramways. The schemes were various in character. The guage proposed, in some cases, was 5 ft. 3 in., in others 4 ft. 8½ in., 5 ft. 1 in. and 6 ft. 3 in. Hitherto, no regulations had been made as to uniformity of guage, or as to the size or shape of the carriages. The details were wholly in confusion. He understood, indeed, that some of the inconsistencies in the schemes were only apparent, the measurements given being sometimes the outside, and sometimes the inside measurements; but, it was certain that, after all the explanations had been given, some of the various schemes did conflict in important points. For those reasons, a comprehensive inquiry was necessary. In regard to the Bills already passed respecting tramways, it was well known that their provisions were of an experimental character; indeed, a stipulation had been inserted in these Bills that if, at any time, within a space of three years after the passing of the Act, the authorities should complain of the tramways as dangerous or inconvenient to the public traffic, they should be removed, the power of appeal being allowed to the Board of Trade, who would appoint an arbitrator between the parties. The experimental character of the legislation was thus clearly proved. He was informed that, of the tramways sanctioned last year, some, or parts of some of them, would be opened in the course of next month. Before the projects received further extension, he maintained that steps should be taken to place them all on an intelligible and a comprehensive basis; and, among the points for consideration were, what regulations should be made respecting the extent and appropriation of the profits of the tramways, and what degree of accommodation should be insisted on, what should be the width of the tramways and carriages, and whether, in laying down the lines, the promoters should not be called upon, when necessary, to widen narrow streets, whether municipal authorities should be allowed to undertake these works, or what control they should exercise over them, and other like points. He understood that only passenger traffic was to be carried on these tramways, with the exception perhaps of a very small amount of passengers' luggage. In the Bills of last Session there were no restrictions whatever on the width of the tramways; and the consequence was that when there were two of them in a short street a large proportion of the space would certainly be occupied. When he told their Lordships that one scheme proposed the construction of a tramway along the whole length of Oxford Street—one of the principal thoroughfares of the metropolis—and that lines were projected over Blackfriars, Westminster, Lambeth, and Vauxhall Bridges, the serious public importance of the question became apparent. No one could be more unwilling than he was to interfere in any way with persons who brought forward schemes for public improvements, but he thought there ought to be some suspension of those schemes until further experience respecting them had been acquired; and if this necessitated the postponement of legislation to next Session, he should certainly propose that all the Parliamentary expenses incurred by the promoters should be returned to them, and that all the plans and estimates should be available for next Session. With such limitations, he could not see that the delay of a year could do any harm. He made this proposal both in the interest of the public and of his own—because he desired to be relieved from the heavy responsibility that he considered would have rested upon him if he had not called the attention of Parliament and Government to the subject. He did not call upon the latter for an immediate answer, but he earnestly recommended the matter to their consideration. He had been in communication that day with many of the promoters of these schemes, and they had failed to convince him by their arguments that delay would be prejudicial, or that there was no sufficient reason for inquiry; though it was true that the system of tramways had been tried and was still in operation elsewhere, He earnestly hoped that the Government would direct their attention to the question.

THE EARL OF KIMBERLEY said, that he was relieved of a considerable difficulty by not being required to give an immediate reply to the noble Lord, who had performed a public duty of the highest importance in bringing this question under their consideration. Their Lordships always felt indebted to his noble Friend whenever he drew their attention to any matter of private legislation—particularly when, as in this case, it related to schemes of a somewhat novel character. For reasons which they would all regret, he had had no opportunity of communicating with the President of the Board of Trade since his noble Friend had given his Notice, but he could promise that the attention of the Board should be at once directed to the subject, and that the suggestion of the noble Lord should be carefully considered. Without entering into any discussion, he would just observe that he understood a tramway was now actually at work in Liverpool, and very successfully, and that no objections were made to it. He would also remind the noble Lord that the question was a local, not an Imperial one, and that the decision in every case must mainly turn upon the particular circumstances of each locality. He also understood that new rails had been devised which obviated the inconveniences and objections which, he well remembered, attended those laid down by Mr. Train.

EARL GREY said, he hoped the Government would not only consider the question whether tramways were desirable, but, if so, whether they should be in the hands of private companies or in those of the municipal or some public authority. He should be jealous of the granting of a monopoly, either in London or elsewhere, to private companies, for such a policy might hereafter prove extremely inconvenient.

House adjourned at half past Five o'clock,
'till To-morrow, a quarter before
Five o'clock.

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HOUSE OF COMMONS,

Thursday, 10th February, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* Bridgnorth, *v.* Henry Whitmore, esquire, Chiltern Hundreds.

PUBLIC BILLS — *Resolutions in Committee* — Burials.

Ordered—First Reading—Mines Regulation and Inspection [12]; Coinage [13]; Friendly Societies [14]; Game Laws (Scotland) * [7]; Burials [8]; Felony * [9]; Sites for Places of Worship [10]; Marriage with a Deceased Wife's Sister * [11].

First Reading—Attorneys' and Solicitors' Remuneration * [6].

RED RIVER SETTLEMENT.

QUESTION.

SIR HARRY VERNEY said, he would beg to ask the Under Secretary of State for the Colonies, What is the present political state of affairs at the Red River Settlement?

MR. MONSELL: In answer to the Question of my hon. Friend I need hardly go back to the commencement of the rising. He is well aware that the armed rising in the Red River Settlement resulted in the refusal to admit the designated Lieutenant Governor, who has returned to Canada. We have every reason to believe that this armed rising was principally caused by misapprehension as to the intentions of the Canadian Government; and a Special Commissioner and two Envoys have been sent by the Canadian Government to remove those misapprehensions, and to ascertain the wishes of the inhabitants, thus placing the matter in the course of settlement. The Commissioner has been received by the insurgent party, and is now in communication with them. So far as matters have gone—although it would be premature to express any decided opinion—there appears to be good reason for hoping that the difficulties will be adjusted without recourse to any other measures than those of mutual explanation.

SLAVE TRADE—TREATY WITH ZANZIBAR.—QUESTION.

MR. GILPIN said, he would beg to ask the Under Secretary of State for Foreign Affairs, If the Government have succeeded in obtaining an amendment in those stipulations in the Treaty with the Sultan of Zanzibar, which permit Slave Trading in his dominions?

MR. OTWAY, in reply, said, that Her Majesty's Government had succeeded in obtaining an amendment in those stipulations in the treaty with the Sultan of Zanzibar which permitted slave trading in his dominions. By the treaty to which his hon. Friend had alluded, the export of slaves from the dominions of the Sultan of Zanzibar was entirely prohibited. Subsequently, in 1863, an agreement was come to that the transport of slaves within the dominions of the Sultan should be prohibited entirely during the months of January, February, March, and April, as it was during those months that the Northern Arabs repaired to Zanzibar for the purpose of procuring slaves for sale in the Persian Gulf. The agreement also authorized Her Majesty's cruizers to seize all vessels carrying slaves in the territorial waters of the Sultan during those months. During the Recess a Committee appointed by Lord Clarendon had met at the Foreign Office to inquire into the whole subject of slavery on the East Coast of Africa. The India Office, the Colonial Office, the Treasury, and the Admiralty were represented on the Committee as well as the Foreign Office, and they had also the advantage of the presence of Mr. Churchill, Her Majesty's Consul at Zanzibar. That Committee had made its Report, containing valuable suggestions for the ultimate entire suppression of slavery. He hoped shortly to lay the Report on the table of the House.

GENERAL CONVENTION OF THE CHURCH OF IRELAND.—QUESTION.

MR. CHARLEY said, he would beg to ask the First Lord of the Treasury, Whether, as the General Convention of the Church of Ireland, summoned in pursuance of a legislative enactment promoted by the Government last Session, will meet in Dublin for the first time on Tuesday next, the 15th instant, he will so arrange the Business of the House, that important measures, and especially important measures affecting Ireland, promoted by the Government this Session, may not be discussed in the absence of the Members of Parliament—including several English, and nearly all the Irish Conservative Members—whose duty it will be to attend the first Meeting of the General Convention of the Church of Ireland?

MR. GLADSTONE: With regard to the Question which the hon. Member has put to me, I observe that in the latter clause of it he has laid down the rather stringent rule of obligation, that it is the duty of all the Conservative Members for Ireland not to attend the General Convention merely, but to attend the first meeting of the Convention. Now, even in the meetings of this House, we do not always succeed in procuring the attendance of all Members on the first day. But, seriously, I think there will be a disposition on the part of the Government to prevent any practical inconvenience. It will not be possible that we should decline to introduce the Irish Land Bill until after that time. But if the Irish Bill can be introduced on Tuesday next, I shall hope to be able to fix the day for the second reading of that Bill, with the assent of the House, at such a period as will allow the interval necessary to enable Members of the House to discharge any duties they may have in connection with the Convention of the Church of Ireland.

GLEBES AND GLEBE HOUSES (IRELAND).—QUESTION.

MR. STACPOOLE said, he would beg to ask the Chief Secretary for Ireland, When he will introduce the Bill he promised last Session for affording facilities for the acquisition of glebes and glebe houses by the different religious denominations in Ireland?

MR. CHICHESTER FORTESCUE, in reply, said, he did intend to bring in a Bill with this object, and he would ask leave to do so in due time, but he could not at present say on what day.

INTERRUPTION OF TELEGRAPHS.

QUESTION.

MR. BAINES said, he would beg to ask the Postmaster-General, If he is aware that the despatch of public intelligence by Telegraph (including the Debates on Her Majesty's Speech in both Houses) failed on Tuesday in every part of the Country; if he can state the cause; and if means will be taken to prevent a recurrence of this serious inconvenience to the public?

THE MARQUESS OF HARTINGTON: Sir, in replying to the Question of my hon. Friend, I regret to have to acknowledge that the despatch of public intelligence was seriously delayed on Tuesday evening. The reason for that delay did not commence on Tuesday, but originated in several causes which came into operation when the telegraphs were first transferred to the Department. In the first place, there was a very large accession of business, in consequence, I suppose, of the reduction in the rates. In the next place, many of the wires were seriously out of order, in consequence of the very unfavourable state of the weather. Hon. Members may also have seen that on Monday night an accident occurred which had the effect of cutting off entirely communication for a time with the whole of the West of England. During one of the busiest portions of the day nearly all the wires were on Tuesday occupied with the transmission of the Queen's Speech. The ordinary commercial telegrams were, consequently, delayed, and they could not be worked off in time to admit of the transmission of the usual intelligence for the Press. These causes, combined with a certain amount of inexperience on the part of many of the officers in the working of a system to which they are as yet somewhat new, have led to the delay. Every exertion has been made yesterday and to-day, and, so far as I am aware, with perfect success, to remedy both defects; and I have no reason to fear, under ordinary circumstances, that any such breakdown will recur. I am sure that I shall not in vain ask my hon. Friend and the House to make some allowance for the very difficult circumstances in which the Department is now and will for a few days be placed. The officers and operators who have to work this system are mainly those who were employed under the old companies; but they have to work the new system under circumstances different in many ways from those under which they previously performed their duties. It is impossible such a transfer could have taken place without causing temporary inconvenience; but I can assure the House that to my own knowledge every one connected with the Department is working with every possible zeal and energy, and I hope that no such complaints will again have to be made.

MR. MALCOLM asked, Whether in the case of a Borough where the Corporation has declined to grant permission to extend the wires of the telegraph to the present Post Office, the Postmaster General is entitled to cut off telegraphic communication with such Borough?

THE MARQUESS OF HARTINGTON: The Telegraph Act of 1868 does not compel the Postmaster General to open telegraph offices at any place; it merely permits him to open telegraph offices at such places as he may think fit. The Act also clearly contemplates that the telegraph office shall be opened at a Post office, and I have an authoritative opinion that it is perfectly within the power of the Department to decline to open telegraph offices anywhere except where they think the circumstances will justify them in so doing.

TIPPERARY ELECTION—JEREMIAH O'DONOVAN ROSSA.

Order for Consideration of Copy of Record of Conviction and Judgment in the case of the Queen against Jeremiah O'Donovan Rossa [presented 8th February] read:—

Copy of the Record of the Conviction and of the Judgment in the case of the Queen against Jeremiah O'Donovan Rossa, tried at a Special Commission of Oyer and Terminer, held at Dublin on the 27th day of November 1865, read:—

MR. GLADSTONE: I have now, Sir, in conformity with the Motion which has been placed on the Paper, to move—

"That Jeremiah O'Donovan Rossa, returned as Knight of the Shire for the County of Tipperary, having been adjudged guilty of felony, and sentenced to penal servitude for life, and being now imprisoned under such sentence, has become and continues incapable of being elected or returned as a Member of this House."

Of course, I am naturally led, in conjunction with the proposition that I submit to the House, to consider the counter proposal which is to be submitted to it as an Amendment — the proposal, I mean, to refer this question to the care of a Select Committee.

Mr. G. H. MOORE: That is not the exact Motion which I intended to make. It has been altered in the Papers of the House. What I propose is that the matter should be left to the consideration of a Committee; and the kind of Committee to whose consideration I wish to leave it is a Committee to be appointed to examine into the precedents in the case and to report to the House what steps ought to be taken in the matter.

Mr. GLADSTONE: However that may be—without any reference to the hon. Gentleman or his proposition—I will now state in a very few words the view we take of the matter. If this were a case in which, after the best investigation we can make, we thought that any just, fair, or reasonable doubt attached to the facts or the arguments of the case, or as to the course which the House ought to pursue, then I admit it might be a subject for reference to a Committee; especially if the question were one which involved the examination of a long and complicated series of precedents, such as it would be difficult to bring under the view of the House in debate. But, Sir, in our view it is neither the one nor the other. The facts of the case are the fewest as possible, and the principles applicable as clear as can be brought to bear on any question of Parliamentary discussion. And I would submit that, if that be the case, a proposal to inquire instead of a proposal to act would not be becoming the dignity of this House. In a matter of a character so remarkable as this, where a person unhappily adjudged guilty of acts that fall within the legal designation of treason-felony has been returned as a Member of this House by the officer whose duty it is to make such return, it appears to me that unless there appear to be the strongest grounds for hesitating as to the answer we should make, that answer ought to be given without a moment's delay. The question then, Sir, really is whether the case, in every substantial consideration that affects it, is a clear case or not. Sir, the writ which calls upon the electors of any county to return a Knight of the Shire will, I apprehend, be admitted to speak with paramount authority; and in the language of that writ the electors are desired to choose a given number of persons, be it one or two or more, under the description of *magis idoneos et discretos;* and these words, the general meaning of which is sufficiently clear, have received an authoritative sense from a long course of practice as absolutely excluding various classes of persons. If, for example, we look either to those who are below the ordinary standard, I presume there is no doubt that the return of a person labouring under the grievous disability of idiotcy, or the return of a child, would be no answer to a writ for the election of a Knight of the Shire to serve in Parliament. And if, on the other hand, I go higher, I believe I should be correct in saying that the return of a Peer sitting in the House of Lords, or the return—for the sake of illustration — of the Sovereign on the Throne, would be no answer to the writ. Therefore, our assertion is that the return of a person adjudged guilty of felony is no return to the writ—that the writ has not been obeyed, has not been answered, that the order for the return remains unfulfilled, and that we have no alternative except to declare the fact, and to call upon the electors in due course, by the issue of a new writ, to discharge that duty which from—be it inadvertence or be it ignorance of the law, or from whatever other cause—they have failed on the present occasion to do. With regard to precedents, there is but one to which it is necessary to advert, and that is one in which the procedure was of such a character as will, I think, leave no doubt on the mind of the House as to the nature of the rule which is laid down—I mean the precedent of Mr. Smith O'Brien. It is recent; and the procedure in that case—not the mere speeches which were made, which would necessarily be of inferior authority, but the original Motion made—the Amendment moved upon it, and the Motion which in its final form was carried by the House—indicate in the clearest manner the basis of the proceedings which then were taken. On the 18th of May, 1849, Lord Russell, made this Motion—

> "That it appears by the Record communicated from the House of Lords that William Smith O'Brien has been convicted of high treason."—[3 *Hansard*, cv. 669.]

Sir Frederick Thesiger took an objection to the use of the word "convicted," and pointed out—I believe with perfect justice—that the legal incapacity consequent on the commission of certain acts did not follow upon conviction, which is the act of the jury, but upon the judgment, which is the act of the Court; and, consequently, Sir Frederick Thesiger suggested that the word "attainted" ought to be substituted for the word "convicted" of high treason. But the House declined to adopt the word "attainted," and the Attorney General (Sir John Jervis) in lieu of the word "attainted," suggested that "adjudged guilty" should be substituted for "convicted." Well, it is plain from the proceeding itself that the Attorney General of that day—who was as competent to the performance of his duty, aud to afford guidance to the House in these matters as perhaps any Law Officer of our time—the Attorney General well knew that in certain cases of felony which imposed disability from sitting in this House, attainder, notwithstanding, did not follow. The process had then commenced, which has since been extended, and to which, I believe, it is owing that the person whose case we are now considering has not, like Mr. Smith O'Brien, been found guilty of high treason, and attainted accordingly. The act of which O'Donovan Rossa has been convicted and adjudged guilty is an act of treason-felony, and that act is not followed by attainder; and the House will perceive that the use of the word "attainted" would have set up a false light for its guidance in future cases, because it would have seemed to imply that the disabilities of felony were limited to cases in which it was followed by attainder; and, therefore, the House declined to use the word "attainted," but made use advisedly of the words "adjudged guilty" of high treason, substituting that for the word proposed by Sir Frederick Thesiger. Well, Sir, the facts as they stand in legal phraseology are not precisely parallel in both cases; because the category of the crime has been altered since the time of Mr. Smith O'Brien. But if we are to look to the reason of the case I own I cannot conceive anything more irrational than the proposition that the Legislature of this country, because it chose in the case of one grave class of crime to commute capital punishment into the punishment next less severe to capital, intended to accompany that change with the removal of the undoubted disability which would otherwise have followed, and to confer on the person so brought down from the highest to the second class of punishment a capacity to receive one of the highest honours that can be conferred on any individual. Sir, it is not for me to pretend to speak with any authority on this matter. I prefer rather to direct the attention of the House to the undoubted fact that, whether it be by the judgment of this House and by the law of Parliamentary privilege, or whether it be by the known and admitted sentiment of the highest text-writers upon the law of this country, the disability attaching to felony is matter of undoubted principle. If so, I think, Sir, I am justified in the statement that I make of a matter which is strictly one of argument, and from which everything but argument should be carefully excluded—the function we have to discharge is strictly a judicial function; and my statement is this—that the law and the precedent applicable to this case are on every point of substance perfectly clear. And therefore it is I shall propose to the House the two Motions of which I have given notice—the first of which declares that Jeremiah O'Donovan Rossa has become and continues incapable of being elected or returned as a Member of this House. I need only in conclusion point out to the House that the negative of that proposition involves this affirmative doctrine—that a person convicted of felony, and suffering sentence within the walls of a prison in consequence of that felony, is, nevertheless, a fit and proper person—one of the *magis idoneos et discretos milites*—whom the writ requires the electors to return for the purpose of representing their interests in this House, and of dealing with the highest questions that can be submitted to the judgment of Parliament. Sir, I now move the first resolution which stands in my name.

Motion made, and Question proposed,

> "That Jeremiah O'Donovan Rossa, returned as Knight of the Shire for the County of Tipperary, having been adjudged guilty of felony, and

sentenced to penal servitude for life, and being now imprisoned under such sentence, has become and continues incapable of being elected or returned as a Member of this House."—(*Mr. Gladstone.*)

Mr. G. H. MOORE said, that in rising to propose the Amendment of which he had given notice, he had no expectation of inducing the House to abandon its apparently foregone conclusion of setting aside the election of the hon. Member for Tipperary. [*Laughter.*] Hon. Gentlemen were pleased to laugh at his styling Mr. O'Donovan Rossa "the honourable Member for Tipperary;" but he was the Member for Tipperary, and would remain so until his election had been reversed by that House; and he was the honourable Member for Tipperary at all events by one title to which, perhaps, some Members of the House could not lay claim—by obtaining his seat without having recourse to any corrupt or dishonourable practices. He would assure hon. Gentlemen who had thus early interrupted him that he did not intend to discuss the question; but he did hope to persuade the House to proceed in their intention with care and caution, and with a due sense of its own responsibility in the course it might take. That was not a party question, or even a political question—it was a simple question of Parliamentary law, precedent, and practice. He hoped it would be discussed entirely in that sense—and not only in the form but in the spirit of a judicial inquiry. The first point they were bound to ascertain was—what were the powers and privileges of the House of Commons in this matter, and what was their jurisdiction in a case of this kind? On that point the published words of Sir Erskine May left no room for any doubt or ambiguity whatever. In his *Law and Practice of Parliament* he distinctly laid down that—

> "Notwithstanding their extensive jurisdiction in regard to elections, the Commons have no control over the eligibility of candidates, except in the administration of the laws that define their qualifications."

And, after citing the cases of Mr. Arthur Hall, Mr. Taylor, Mr. Trelawny, and Mr. Robert Walpole—to say nothing of Mr. Wilkes—in which that rule appeared to have been more or less disregarded, Sir Erskine May told them that—

> "All these cases can only be cited as examples of excess of its jurisdiction by the Commons; for one House of Parliament cannot create a disability unknown to the law."

As he (Mr. Moore) trusted and believed it was not the intention of the House of Commons on that occasion to add one more to these "cases of excess of jurisdiction," they must assume, therefore, that they had "no control over the eligibility" of the Member for Tipperary, "except to administer the laws that define his qualification." But, if that were so, the first and most obvious question that presented itself to an inquiring mind was why and how the House of Commons was then called upon to pronounce upon that question of qualification at all. By the Election Act of 1868 the whole power and jurisdiction of the House in these cases was transferred to the Judges of Election Petitions. Those Judges, therefore, possessed—he did not say exclusively, but, at all events, they possessed—all the powers possessed by that House in the determination of the qualification of Members. Now, if the legal positions that the right hon. Gentleman opposite had just laid down were correct, it necessarily followed that if Mr. Heron had only presented a petition against the return of his opponent, and praying for the seat on the ground of disqualification, he would now be the sitting Member for the county of Tipperary. Now, be it remembered that at the Tipperary election Mr. Heron made no secret of his intention to adopt that course. He took all the legal steps and served all the legal notices that were necessary to make that course effectual. How, then, did it come to pass that immediately after his return to Dublin "a change came o'er the spirit of his dream," and that he suddenly abandoned the easy and certain course by which, according to the legal doctrines of the First Minister of the Crown, he could have at once obtained his seat by an election petition at the hands of the presiding Judge? However "permeated" with the national colour, according to the opinion of the right hon. Member for Buckinghamshire, Mr. Heron might have been on the hustings of Tipperary, he was by no means "green" in the Four Courts of Dublin; and it was out of all reason to suppose that he, a lawyer, shrewd, vigilant, and sly, would have preferred running the gauntlet of another Tipperary election to the acquisition of an easy and certain seat, at the hands of Mr. Justice Keogh or Baron Hughes. Although the First Minister, owing to the judicious character of his Irish appointments, was at present without an Irish law adviser in the House, he might have ascertained through less direct but easily accessible channels that Mr. Heron satisfied himself—and it certainly was the opinion of the Irish Bar—that he had no chance whatever of obtaining from an Irish Judge that legal decision on the subject of qualification which the right hon. Gentleman opposite now called on the House irregularly and without inquiry to affirm. It was generally understood that Mr. Heron had satisfied himself, after due inquiry and consultation, that a conviction of judgment for felony did not constitute an absolute disqualification, unless that conviction or judgment was followed by attainder; Mr. O'Donovan Rossa in this case not being attainted, consequently no presiding Judge on an election petition would decide that he was legally disqualified. The only precedent which was really a precedent in point in modern times made it perfectly clear, in his opinion, that lawyers in England had always held the opinion which Mr. Heron in Ireland found to be the law. This precedent had not been quite correctly stated by the right hon. Gentleman. In 1849, Lord John Russell proposed two Resolutions to that House with regard to the conviction of Mr. Smith O'Brien, the first of which ran as follows:—

> "That it appears by the record, communicated from the House of Lords, that William Smith O'Brien has been convicted of high treason."—[3 *Hansard*, cv. 669.]

On this Sir Frederick Thesiger, as reported in *Hansard*, wished to state a single objection with regard to the wording of the Resolution. The words were—

> "That William Smith O'Brien has been convicted of high treason." "Now, the noble Lord" (continued Sir Frederick Thesiger) "might be aware that attainder did not follow on conviction, but on the judgment which followed; and he would therefore beg to suggest that the words of the Resolution should be altered into 'attainted of high treason.' He thought the noble Lord could not proceed with the second Resolution, which implied that William Smith O'Brien was civilly dead, unless the word 'attainted' were introduced into the first Resolution." —[*Ibid.*]

The Attorney-General (Sir John Jervis) said that possibly a middle course might be the best to take, and he would therefore suggest that the words "adjudged guilty" should be substituted for "convicted." Lord John Russell then moved—

> "That Mr. Speaker do issue his warrant to the clerk of the Crown to issue a new writ for the county of Limerick, in the room of William Smith O'Brien."—[*Ibid.*]

It was scarcely necessary to remark that in the case of Mr. Smith O'Brien sentence of death had been passed, attainder had followed, and therefore, beyond doubt, disqualification had ensued. But even in this case, so anxious were the legal authorities of the House not to overstep the jurisdiction of Parliament that an alteration in the form of the Resolution was agreed to in order to show that attainder had followed in this particular case—so evident did it appear that by the law and practice of Parliament disqualification on the ground of felony could only be sustained on the fact of attainder. The right hon. Gentleman did not see and could not conceive why, because the Legislature had thought it expedient to substitute a milder punishment for the old one, the disqualification in the case of treason should be removed. But, as a matter of fact, almost all of them had been removed; and it was for the right hon. Gentleman to show why, when other disqualifications had been removed, one disqualification should be preserved. He would leave to the legally-educated Members of the House the easy task of following the right hon. Gentleman through his arguments, and of showing that the Member for Tipperary had not been attainted, and therefore not disqualified by the existing law of Parliament. Now, although he was not a lawyer, he sometimes looked into *Blackstone* and such simple authorities for simple men, and he there found the whole essence and consequences of attainder very distinctly and lucidly defined. *Blackstone* showed that—

> "After sentence of death, the most terrible and highest judgment of the laws of England, is pronounced, the immediate inseparable consequence of the law of England is attainder. For, when it is now clear beyond dispute that the criminal is no longer fit to live upon the earth, but is to be exterminated as a monster and as a bane to human society, the law sets a note of infamy upon him, puts him out of its protection, and takes no further care of him than barely to see him executed."

"This forfeiture for felony," he further remarked, "arises only on attainder."

There were lawyers in that House who believed, and who he had no doubt would tell them, that, by the Election Act of 1868, that House had delegated to the Judge appointed to try election petitions the whole right and prerogative of that House to decide as to the qualification of candidates. Not being a lawyer, he would not undertake to advance any such opinion; but he would put it as an argument *ad verecundiam* to Members of this House as ignorant of the law as himself, that they ought not, without previous inquiry and examination, to give a decision on a difficult question of law, which might possibly be opposed to legal opinions of the Judges. Mr. Heron, with remarkable foresight and good sense, preferred to trust to the chance of a *deus ex machinâ*, in the person of a rash Minister and a raw House of Commons to rescue him in a cloud of words and by a random Resolution from the electoral difficulty out of which he knew he had no chance of escaping through the recognized tribunals. It was, he believed, perfectly well-known that Mr. Heron had satisfied himself. after taking competent advice and counsel, that a conviction for felony did not constitute a legal disqualification unless followed by attainder, and that as Mr. O'Donovan Rossa was not attainted he could not be declared by an Election Judge to be legally disqualified. That was his (Mr. Moore's) opinion; but that opinion was not involved in the proposition which he had made to the House, and which he thought every consideration of justice and prudence would seem to recommend. He had endeavoured to argue this question on its merits, and the proposition which he made was one by which the merits of the case might be tested. He hoped, therefore, for the favourable consideration of considerate men on both sides of the House. From the Conservative party he hoped for support, because it was their special function and prerogative not to allow any of the ancient landmarks of the Constitution to be moved without care and caution; to the Liberal party he looked for co-operation, because it was their duty to protect the electoral rights and privileges of the people; and from the members of the new party of progress he expected assistance, because they had yet to show that they cared for any class but one class, or any rights but their own. The hon. Member concluded by moving his Amendment.

Mr. MATTHEWS said, he would endeavour to avoid entering at undue length into the consideration of the legal question they were called upon to decide. If the matter were free from doubt, whatever might be their sympathies, the House should act at once; but the question was so surrounded by difficulties, that he should second the Amendment. The speech of the hon. Member for Mayo (Mr. Moore) raised two points well worthy of consideration. As he understood it, the Act of 1868, regulating the course to be taken with regard to election petitions, was intended not only to relieve the House of Commons from inquiries of that kind, but to shut it out from them altogether. But if the Motion of the right hon. Gentleman (Mr. Gladstone) were agreed to, he did not see why any other question of a disputed election should not be brought under the notice of the House of Commons, and submitted to its judgment. The 50th section of the Act of 1868 provided, in express terms, that—

> "After the next dissolution of Parliament no election or return shall be questioned except in accordance with the provisions of this Act."

In the case of Sir Sydney Waterlow, last year, a Committee was appointed, the hon. Gentleman was declared disqualified, and a new Writ was ordered to be issued. That seemed, no doubt, to assume that the jurisdiction of the House over elections still continued. But as the Committee was appointed at the request of the hon. Gentleman himself, for the purpose of protecting himself against penalties, and the new Writ was issued *sub silentio*, he did not think that case could be regarded as a precedent. The House had to ask themselves the plain constitutional question—whether, after the passing of an Act of Parliament providing a new form of jurisdiction in election matters, such matters ought still to be tried by the House of Commons? But, assuming that the House would not be disposed to accede to this view of the matter, he was anxious to direct their attention to another point which appeared to him to be one of great gravity. Had it not been for the language of the right hon. Gentleman, he (Mr. Matthews) should have submitted, with great confidence, that Mr. O'Donovan Rossa, the Member-elect for Tipperary—and he presumed he might be allowed to give him that title, at all events—was not subject to any disqualification known to the law. No constitutional lawyer would contend that the House, by any Resolution of its own, could create any fresh incapacity to be elected. It was the exclusive constitutional privilege of the electors to judge for themselves of the fitness of the representatives they elected, subject to any disqualification that might exist under the actual law of the land. With that single limitation the electors were at liberty to elect, as their representative in that House, any person whom they might think fit. The House, therefore, must ascertain what were the disqualifications that existed under the actual law of the land. Upon this point, having searched through the authorities, he must state his belief that the only legal disqualification for election was attainder for treason or felony. Lord Coke, from whom the right hon. Gentleman had taken the words he had used, stated in direct terms that a man attainted for treason or felony was disqualified from being elected; and throughout the whole current of authorities disqualification was stated in the same terms. He had himself searched with some industry, and he had found only one authority—*Roe on Elections*—in which the case now in hand, of a felony which did not carry the consequence of attainder, was dealt with: the author, after first stating that a man attainted for treason or felony was disqualified for election, proceeded to observe that it did not appear that any crime of less enormity carried with it a similar disqualification, so as to bind the electors that they should not elect the guilty person. The universal current of opinion of all esteemed writers was that attainder, and attainder alone, carried disqualification with it. Addressing, as he was, an Assembly, many of the members of which were learned in the law, it was unnecessary for him to remind them that at the time of Lord Coke the great bulk of felonies were punished capitally, and therefore carried attainder with them—although they were not all capital, the greater number of them were—but still attainder only followed upon sentence of death being pronounced, and in no other case was it produced or brought about by the judgment. No disqualification that he was aware of by the laws of England followed upon the conviction or sentence of a man for felony not capital, except that he was rendered incapable of giving evidence as a witness, and that he forfeited his goods and chattels—no other disqualification attached unless the felony was a capital one. But the moment a man was sentenced to capital punishment for a felony he became attainted, was looked upon as dead, lost his property, and was rendered incapable of holding any office or trust. It would greatly surprise him if any lawyer in that House were to assert that any judgment except that of death was followed by attainder, or should produce any authority to show that disqualification to sit in Parliament had been held to arise from anything but attainder. The case of Smith O'Brien had been already dealt with by his hon. Friend (Mr. Moore), who had shown that that individual had been sentenced to death, and had therefore been attainted. Lord Chelmsford laid stress upon that very fact; and therefore the term "adjudged guilty" in the Resolution of the House could only refer to the judgment of death, which in his case had been pronounced, and had been followed by all its consequences. The case of Smith O'Brien, therefore, afforded no precedent that would assist the House in arriving at a decision in the present instance. And what was the answer of the right hon. Gentleman to this view of the case? The right hon. Gentleman said that it was an absurd and irrational thing, where the guilt of the man was the same as would have been punished capitally in former days, to suppose because by the indulgence of the Legislature a lesser punishment had been inflicted, that therefore the disqualification to be elected to sit in Parliament, one of the usual consequences of attainder, should not follow. He begged the House to pause before they accepted that doctrine. The old consequences of attainder arose from the fact that the punishment was death. But if disqualification to be elected to sit in Parliament was to follow where the judgment was not capital, why should not the other consequences of attainder, the forfeiture of lands, and the inability to give evidence, also follow? If once the strict and well-defined bounds of the law were to be overstepped, he did not see where the line was to be drawn. Then, the right hon. Gentleman had asked whether this man was among the *magis idoneos et discretos?* The right hon. Gentleman's argument proved too much, because he presumed that even the right hon. Gentleman would scarcely contend that a conviction for misdemeanour would disqualify a man from sitting in that House; yet, a person who had been convicted of an offence coming under that head could not be said to be *idoneus et discretus*, any more than a man who had been convicted of a non-capital felony. Sir Robert Walpole, for instance, had been sent to the Tower for having sold contracts for money while Minister for War—an act certainly not denoting discretion and fitness—yet he had not been held disqualified from sitting in that House; and gross and shocking and revolting to all moral sense as that act was, he did not think that there was a lawyer now living who would suggest that it would have the effect of disqualifying the offender from sitting in Parliament. If they once went beyond the limits the law had traced, and embarked upon objections to the moral fitness of men, he did not know where the line could be drawn, and they would, probably, establish a number of disabilities that were unknown to the law. That it was absurd and irrational to permit a convicted felon to sit in that House he did not deny; but his short answer to that objection was, that such a person was not disqualified by law from being elected and from taking his seat. If the law was absurd and irrational, let them alter the law; but, as long as it remained in force, they were bound to abide by it. In dealing with an Irish question of this nature, above all others, the House was bound to act with the greatest caution, and to keep strictly within the letter of the law; because, if there was one lesson more than another which it was incumbent upon them to teach the people of Ireland, it was to act with strict respect to the law. With regard to the election of Mr. O'Donovan Rossa, he looked upon it as being no more than an expression of the passionate sympathy felt in Ireland for the Fenian and the political prisoners — a sympathy which had arisen in part from a sincere notion that they were patriots, and partly from the impression that they had endured great sufferings. As long as that sympathy was shown in a legal manner, the House should not stretch the law in order to show their disapproval of it. He would not point to any consequences likely to occur at future elections which might render it necessary, on the part of that House, to take further action; but he warned hon. Members against overstepping the bounds of the law, lest their Resolution should be treated, not as an act of justice, but one of vengeance, and should thereby lead the Irish people to believe that impartial justice could not be expected by them from the Imperial Parliament. He did not second the Amendment with the view that the matter of the election should be shifted from that House to a Committee—because he thought that such a proceeding would be equally opposed to the law with the proposition of the right hon. Gentleman—but with the view that if the House should think that the suggestions that had been made were deserving of consideration, they should be inquired into by a Committee who might search into precedents; when the House could with more satisfaction, and perhaps he might say with a clearer conscience, adopt or reject the Resolution proposed by the right hon. Gentleman. He begged to second the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Committee be appointed to examine into the precedents and the law of Parliament in this case, and report to the House on the steps that ought to be taken under such circumstances,"—(*Mr. Moore,*)

—instead thereof.

THE SOLICITOR GENERAL: I entirely agree with the proposition of the hon. Member for Mayo (Mr. Moore) that this is a question which should be debated in a calm and judicial manner, and, as far as possible, should be kept free from all party or purely political considerations. I further entirely agree that if any fair and candid mind could see that inquiry was needed the House should grant such inquiry. It certainly would be a very disastrous state of things, and a state of things which would leave us exposed to very just reproach, if it were really the law of the country that a man convicted of treason-felony, and now undergoing sentence of penal servitude in one of the prisons of the Queen, should be eligible and should be deputed to represent a county in Parliament. This would be a great reproach to the law—still, if it were so, the law would have to be administered as it stood in a judicial spirit. Of course, too, I agree —as every lawyer and every man must agree—that laws affecting whole classes of Her Majesty's subjects cannot be created by Resolutions of the House of Commons. Resolutions can be of no effect except when they declare that which is either the statute law, or that which has been by a long course of judicial procedure decided to be the common law of the country. I now proceed to describe to the House my view of the question at issue. I begin, in the first instance, for the purpose of putting it out of the way, with the point which the hon. Members for Mayo and Dungarvan last referred to—I mean the argument they have derived from the words of the Election Petitions Act, and the supposed taking away thereby of the jurisdiction of this House in matters of this description, and transferring it to the Judges. No doubt that Act has been correctly stated. The 50th section of that Act, the 31 & 32 *Vict.* c. 125, enacts that—

> "From and after the next Dissolution of Parliament no Election or Return to Parliament shall be questioned except in accordance with the provisions of this Act."

But, in order correctly to gather the meaning of these words, it is necessary to consider what the Act was dealing with, to what state of facts it was to be applied, and what jurisdiction it was transferring. That statute was transferring to the Judges the jurisdiction which up to that time had been exercised by this House exclusively under the 11 & 12 *Vict.*, commonly called Sir Robert Peel's Act. The later statute begins by calling itself "An Act for amending the Laws relating to Election Petitions," and it is known as the Election Petitions Act. It sets out the form in which election petitions are to be made out, it deals at considerable length with the whole course of procedure applicable to the courts it constitutes; and then, after certain miscellaneous provisions, in the 50th section it enacts that—

> "From and after the next dissolution of Parliament no election or return to Parliament shall be questioned, except in accordance with the provisions of this Act; but, until such dissolution, elections and returns to Parliament may be questioned in manner heretofore in use."

What does that mean? It means, of course, "questioned" by election petitions—"questioned" by persons having an interest in raising the question, by persons wishing to vindicate their own rights, by persons who under the state of the law existing before would have been referred to an Election Committee of the House, which exercised jurisdiction in a manner familiar to us all. If that were not the case, and if the Act of Parliament were not to be considered by that rule of common sense, what would happen? In the case of no elector choosing to question the return of a Member, the House of Commons would be bound by law, according to the argument of the hon. Gentleman opposite, to receive among its Members persons who by law were ineligible; because the hon. Member knows there are no means of questioning elections except before the Judges, that the Judges alone inquire into election petitions, and unless the Judges were petitioned in such a case a person confessedly ineligible could take his seat in the House unquestioned. Can that be the fair and sensible meaning of the Act? I venture to think that any one who considers the matter candidly as a man of sense will see that I am giving the reasonable interpretation of the Act. Now, let us consider some of the technical questions raised. As I understand the argument of the hon. Gentlemen opposite, it is somewhat in this form. The old authorities, they tell us, show that the disqualification of a felon wholly rests upon his attainder; this felon is not attainted, therefore, this felon is not disqualified. That is the argument of the hon. Member for Mayo; and, in considering it, I will begin by making admissions that I am bound to make, and which I make in the fairest and fullest sense. I admit that the old authorities — not all of them, but most of them — enough to speak of them generally as "the old authorities"—lay down that persons attainted of treason or felony are disqualified from sitting in Parliament. But the course we propose is perfectly consistent with that admission. It is also perfectly correct to say that at the date these authorities wrote almost all felonies, and the exceptions are few, were capital offences, and as capital felonies were followed by attainder; so that when the old authorities speak of a person "attainted of treason or felony" they speak of ordinary felons, because there were no felons in those days except attainted felons; and this being so, it is laid down in the text books with sufficient authority that attainted felons were incapable of sitting in Parliament. But it is not correct—and nobody knows that better than the hon. and learned Member (Mr. Matthews)—to say that attainder and the punishment of death, although for the most part inseparably connected, were by any means the same thing or were convertible terms; because the hon. and learned Member knows full well that a man might have been put to death for heresy without being attainted, and he knows very well that a man might be attainted by being outlawed without being put to death. The hon. and learned Member therefore misleads the House if he wishes it to understand that of necessity death and attainder, although often inseparable, were by no means convertible terms or necessarily connected in idea. Now, what follows from this? As the law altered in course of time, and as that which had been an inseparable accident of the judgment of felony ceased to be so connected with it—as persons who had been convicted of felony and adjudged guilty of felony, were not put to death, and, therefore, were not attainted—it rests with those who agree with the hon. Member for Mayo to show that thereupon, as a necessary consequence, the disqualification which followed upon the general and complex idea of an attainted felon was so connected with that part of the idea which was contained in the word "attainder," that when the word attainder ceased to be applicable to a felon the felon at once became capable of sitting in Parliament. Nothing could be a more unreasonable view of the old authorities. I therefore answer the hon. and learned Member's argument in two ways. I say, first, assuming that the technical consequences of the conviction for felony have now been altered in point of fact, the principles upon which you find these old authorities proceeded still remain; and if the principle upon which the old authorities were founded remains, although the technical consequences of the law in some respects may have been altered, it is proper to maintain the principle of the law untouched. I admit that this view is capable of wide application, and that it should be cautiously applied; but the principle is a sound principle; and when the circumstances of a case bring that case within its application, as the circumstances of the matter before us do, then it is a principle upon which this House may safely act. Now, I answer the hon. Member in a second way—I say it is for him to show that the technical consequences of the law have been in any manner altered. You have to deal with the incidents of conviction, of judgment, and of attainder in the case of a felon. There is no doubt that at the time when all felonies were capital conviction by the jury, followed by the judgment of the Court, made a man what was called attainted. He must be a much wiser and better lawyer than I am to inform the House what "attainder" really means; some refer it to *attinctus*—that is, so deeply dyed with black that he cannot be worthy of any civil rights. Well, Sir, the felony remains, the conviction remains, the judgment on conviction remains the same; and the felony, the conviction, and judgment on conviction remaining the same, what is there—what fragment of authority has either hon. Gentleman who has addressed the House given it for showing that the consequence I admit to have resulted from the whole various matters taken together—the felony, conviction, judgment, and attainder—is to be limited to the attainder alone? I find no authority for such a position. It is said that attainted felons were incapable at a time when there were no felons who were not attainted; but there is no earthly reason for supposing that it was the technical consequence of guilt—the attainder—that constituted the disqualification rather than the guilt itself. Have we any authority upon this subject? I say there is the highest authority; and I beg the attention of the House to the case of Mr. Smith O'Brien, which is directly in point. I am sure that everyone who looks at that case will say that it has the weight I attribute to it. Mr. Smith O'Brien was convicted of treason—if you please, attainted of treason. What does Lord John Russell do in that state of things? He moves that Mr. Smith O'Brien being convicted of treason, a new writ do issue for the city or county—I forget which—

he represented. Sir Frederick Thesiger, with all the consequences no doubt before him that were present to the mind of the hon. and learned Gentleman, and with that notion of the law which he set forth with considerable ingenuity, distinctly moved that the word "convicted" should be left out of the Resolution and the word "attainted" put in. What was done on that? The Attorney General of that day was Sir John Jervis, one of the acutest and ablest men in Westminster Hall—a great authority on criminal matters. What did he do? He said, "Don't put in 'attainted;' there are many felonies on which attainder at this time of day does not follow; if you put in 'attainted' you will be yielding to the argument of Sir Frederick Thesiger, that it is upon attainder, and technical attainder alone, that a man becomes ineligible. I would do nothing of the sort. I recommend the House of Commons to say that what really makes a man ineligible is the conviction and the judgment on conviction." And what did he substitute for "convicted?"—not "attainted," but the term "adjudged guilty," which includes conviction and judgment. Upon the conviction of the jury and the judgment of the Court, in his opinion, as in mine, the disqualification follows. To that Sir Frederick Thesiger, who had filled the responsible position of Attorney General, and who at no time of his life shrunk from maintaining what he considered to be his duty either to the public or his profession, assented. The words "adjudged guilty," as suggested by the Attorney General, were substituted, and the Resolution was adopted by the House without a division. It is vain to deny that this is a direct authority on the part of the House of Commons for the proposition which at too great length I have endeavoured to expound—that the disability follows not in consequence of the attainder, but in consequence of the conviction of the jury and the judgment of the Court. I must say, with all respect to the hon. and learned Gentleman who has argued with so much ingenuity, that it is possible for legal minds to raise an argument out of anything, and I cannot help thinking that the sense of the whole matter is in favour of the view I have endeavoured to present to the House, and that there is abundance of legal authority to sustain the course which the Government recommend.

MR. W. JOHNSTON said, he was prepared to support the Amendment of the hon. Member for Mayo, and hoped he might be allowed very briefly to travel beyond the legal bounds of the question which had been submitted to the House. In taking this course, he trusted they would acquit him of any sympathy with O'Donovan Rossa or with Fenianism in general. It was impossible for loyal Englishmen or Irishmen to support a society which had for its object, not only a dissolution of the Union, but a dismemberment of the Empire, and would carry out its projects not by reform but by revolution. Yet, while he viewed the objects of Fenianism, not only with dislike but with abhorrence, he must say he could not but sympathize to a very great degree with those men, who misguided as they were, were many of them honest in their patriotic desire for the promotion of what they believed to be the good of their country; and he trusted an honest love of country would receive consideration, fair play, and even generous treatment at the hands of a British Parliament. Fenianism was of composite origin. It was partly owing to long standing wrongs in Ireland, and partly to the spread of those republican ideas which were undoubtedly making progress, not only in America, but in Europe. Another source of Fenianism was the education which the Irish people had been for centuries receiving at the hands of the priesthood. He, for one, did not regret the Irish Church Act passed last Session. He thought that the Protestants of Ireland should have done with doleful lamentations about the downfall of the Irish Church. He believed the Church, formerly the Established Church, of Ireland, would in freedom and independence be more than compensated for her disestablishment by the State. He was glad that the Government were going to bring in a Land Bill, which he trusted would be a large and liberal measure. They had heard a good deal of the loyalty of the priesthood, but what had they done? ["Question, question!"] The priests had denounced Fenianism; but had they not, also, denounced Freemasonry? Did any one believe they denounced Fenianism because they loved England? ["Question!"]

SIR GEORGE JENKINSON rose to Order. He wished to know whether, in the discussion of a dry, legal, constitutional question, the House was to be insulted by having to listen to a defence of Fenianism within its walls? ["Chair, chair!"]

Mr. SPEAKER: I did not understand the hon. Member to argue in the manner described; but I hope the hon. Member will see the propriety, as the House is now discussing a legal question, of not diverging unnecessarily from the argument before it.

Mr. W. JOHNSTON said, he had already expressed his abhorrence of Fenianism, and therefore thought he had guarded himself from such an imputation as that conveyed by the hon. Baronet. He would now sit down, trusting that the House would not be led away by any panic from doing justice to the subject before them. For himself, he would prefer Liberty, even in her hour of license, to the tyranny of Ultramontane rule.

Mr. GATHORNE HARDY: I quite agree with the hon. Member who moved this Amendment that in a question of this importance the House should be very cautious as to the course which it adopts, and that no step should be taken which does not rest on the soundest foundation. If I thought that the course proposed by the Government was not guaranteed by the strongest precedents and authorities, I should not hesitate in giving my support to the Amendment. But, as I understand the question, it is one that does not admit of any argument or doubt. There is no dispute that O'Donovan Rossa was convicted of treason-felony. The precedents have been accurately followed. A copy of the record—the indictment, the conviction, and the judgment, is on the table of the House—there is no point into which a Committee could inquire which is not already known to the House—and, sitting on this (the Opposition) side of the House, I feel it right not to leave my hon. and learned Friend the Solicitor General unsupported by any expression of opinion proceeding from these benches. With regard to the word "attainted," I look upon that as a descriptive expression; and this view is corroborated by the terms of the passage read by the hon. and learned Member for Dungarvan, which showed that the crime and not merely its consequence was the ground for expulsion. This House has expelled men for forgery and perjury where there could be no attainder, acting on precedent throughout, and considering the crime and the nature of the crime, and not the technical consequences following it. It seems, then, to me that we should be neglecting our duty, and throwing doubt upon a question where no doubt can arise, if we refrained in this case from exercising a power in conformity with what has been done by our predecessors. With respect to the particular offence itself, it is one of so heinous a character that no person can say it does not come within the class to which this House has always attached disability for sitting in the House. Surely, no one can believe that any gentleman sitting in this House could be guilty of it without being visited by immediate expulsion? Can it be seriously maintained that, because no election petition has been presented in the present case, no proceedings can be taken in the matter? Suppose an infant twelve or fourteen years old were returned to this House, is it to be said that because there might happen to be no petition the House could not by its own authority prevent such a person taking his seat? It was never intended by the Election Petitions' Act to take from this House its proper authority; and in the present case, where there is nothing to inquire about, where the judgment is admitted by those who move the Amendment, and where the matter stands on the same footing as when the word "attainted" was used, I think the House may safely adopt the course proposed by Her Majesty's Government.

Sir ROUNDELL PALMER: I do not wish to detain the House long, because I agree with my right hon. Friend opposite (Mr. Hardy), and in the general tenour of the able argument of the hon. and learned Solicitor General. I do not suppose my right hon. Friend proposed to take as his precedent a case of expulsion of a Member from the House, because that is a very different step from the one now proposed, for a man may be expelled from the House for certain offences, though not legally disqualified. The Motion now before the House is founded upon the assumption, that Mr. O'Donovan Rossa is legally disqualified: at the same time I do not think it wholly irrelevant to refer to instances of expulsion, as they afford strong evidence that the House has always considered that the infamy which attaches to a gross crime renders the criminal incapable of properly discharging his duty in this House. This shows that the principle of disqualification also, in those cases in which convicts are disqualified, ought to be looked for in the adjudication of guilt, followed by its appropriate sentence, and not in the technical consequence, "attainder." The hon. and learned Solicitor General hardly did full justice to his own case when he said the authorities laid it down that "an attainted felon" cannot sit in the House. The expression is, a man "attaint of treason or felony" cannot sit, the reason given being drawn from the terms of the writ, which requires the return of "discreet and fit persons." Now, it is impossible that a man convicted of treason or felony, and suffering punishment for that offence, could be a fit person, on account of the infamy attaching to the crime; and the mere use of the term "attaint," which was the technical equivalent of the word "convicted" in all such cases under the former state of the law, cannot alter the fact that it is the crime which causes the disqualification and not a technicality of law. If it were otherwise, the reason given would have been, because he is civilly dead; not because he is (necessarily) wanting in fitness and discretion. Very strong indirect evidence to the same effect is to be found in the course of recent legislation, which has mitigated the punishment for felony; for till lately the sentence of death was pronounced or recorded in all serious cases of felony. It is not now proposed that a man should be disqualified to sit in Parliament for any other felonies than those which before constituted a disqualification, and for which modern legislation has substituted a milder punishment than that which our ancestors imposed. It could not be doubted that those who instituted and carried that beneficent reform of the sanguinary laws formerly in force would, have expressly provided that the effect of great crime should continue to be a disqualification for public office or great franchises, if they had not taken the same view of the law as the Government. The law, in fact, was already so, and no new provision was necessary to declare that a sentence of transportation for life or of penal servitude for life—which, indeed, makes it necessarily impossible for a man to be present for a single moment in this House—disqualified the person subject to it from being a Member of Parliament. I therefore think that the House is bound to take the course recommended by the Government.

MR. BOUVERIE: After listening to the argument of the hon. and learned Solicitor General, I should not have had the slightest doubt on the question, if the matter had been discussed three years ago, that a person convicted of a great crime could be declared by this House "ineligible and incapable of being returned to Parliament;" but the hon. and learned Gentleman passed over with great skill the clause in the Act of Parliament of 1868. The words of the statute are to my mind very clear—"that no election or return should be questioned except in accordance with the provisions of that Act." I think more weight should be attributed to that clause than was attributed to it by the hon and learned Gentleman. The question is whether it has not the effect of taking all trials of these questions of returns out of the House. The proposal of the Government is, that O'Donovan Rossa, having been adjudged guilty of treason-felony, has become, and continues, incapable of being "returned" as a Member of this House. I put it to the common sense of the House, whether it can be contended that the adoption of such a Resolution is not questioning the return. The right hon. Gentleman the Member for Oxford University (Mr. Gathorne Hardy) said it would be absurd, if an infant or alien were returned, that we should have no means of questioning the return. I must admit that it would be absurd; and that was one of the objections to handing over the trial of these questions to a tribunal which could not deal with them in the manner in which the House had been in the habit of treating them. The precedent of Smith O'Brien, in my opinion, does not apply at all, because he was already a Member of the House when we declared him incapable of sitting in it; and there was no question as to his return, which was indisputably good. We are now asked, in the very teeth of an Act solemnly and deliberately considered and discussed to question a return which that same Act says shall not be questioned, except in a particular way pointed out by such Act. When we passed that Act we parted with our jurisdiction in the matter. If we now proceed in the way proposed by the Government, we shall be establishing a precedent under which many cases of alleged bad returns may be brought before the House, although no petitions may have been presented against them. The Solicitor General has argued that when there is no election petition, and the Judge under the statute has not been called into action, the House is at liberty to decide whether there has been a bad return or not. In that case we may have discussions in this House such as were raised before the passing of the Grenville Act, and all the mischiefs which it has been a constant struggle on the part of Parliament to get rid of would be renewed. Suppose there should be a petition in such a case as the present, and the Election Judge were to decide that the person objected to was eligible, and had a right to a seat in this House, while we, on the inherent authority claimed by the Solicitor General and the right hon. Gentleman the Member for Oxford University, decided that he was ineligible—it is possible that a conflict might arise between this House and the courts of law; and if, on the other hand, you resolve that a person has been improperly returned, and was not eligible for election to Parliament, and a Judge decides the other way, how can you refuse to reconsider the question, and perhaps come to an opposite conclusion? I confess that the argument used this evening upon this point has not satisfied my mind. It is possible that the prejudices which exists against the person concerned in this case naturally and necessarily influence the House here, and may induce the House to assent to the Motion; but I own that I do not feel satisfied; and as I was one of those who objected to part with this jurisdiction, foreseeing that we should probably be landed in some of these difficulties, I hope the House will forgive me for having mentioned my doubts on this occasion.

Mr. G. B. GREGORY said, that the text writers, speaking of the effect of attainder in cases of high treason, one of which was the corruption of blood, so that no descent could be traced from a person so convicted, laid down the doctrine that such a person had violated his contract with the State, and had become an enemy of the State, and the new Act did not propose other than to proceed by the principle of the old law. Reading 11 & 12 *Vict.* by this light, there was no difficulty in construing it. No one could have supposed that in mitigating the penalties of treason it was intended to abrogate the incidents attached to it by the old law. The arguments of the Government on the question were irresistible; perhaps, however, the words of the Resolution of the right hon. Gentleman had been framed a little too much upon precedents which hardly applied to the particular case, and he suggested that it might be expedient to face the difficulty, and say—"Whereas O'Donovan Rossa has been convicted of felony under 11 & 12 *Vict.* c. 12, and is thereby incapable of sitting in this House"—so as to place on record the decision of the House that a person convicted under that Act was subjected to this one of the incidents of treason.

Mr. M'MAHON said, it was very desirable that O'Donovan Rossa, or any other person in the same position, should not be allowed to take his seat in the House, but as statutes had been passed preventing minors, bankrupts, judges, bankruptcy commissioners, clergy of the Churches of England, Scotland, and Rome, and persons guilty of bribery and corruption, and other classes of persons from sitting in the House, he thought it would be better to deal with this case in the same way, and to pass a general declaratory Act that no person under such circumstances should sit in the House. Suppose that, after they had passed this Resolution, O'Donovan Rossa, or some other Fenian convict, should be again returned for Tipperary, and on an appeal to the Court of Common Pleas in Dublin, that Court did not take exactly the same view as this House took of his ineligibility, in what an awkward position the House would be placed. They would do violence to the law by exercising their power, and turning out a man whom the Court of Common Pleas had declared to be eligible. The proposal of the Government was based upon the statement of Lord Coke, that a man attainted of treason or felony could not sit in Parliament. But Lord Coke could not have meant felony of every kind. For instance, manslaughter committed by chance medley, or in self-defence, would not have rendered a man ineligible. The only kind of felony contemplated by Lord Coke was a capital felony in which a sentence of death might be passed. Now, in this case, treason-felony was a new offence unknown to the common law, and the statute of Edward III. did not apply to it; it was never capital, and the incidents of a capital crime never attached to it. Nothing whatever was to be gained by carrying this Resolution without inquiry; the only result would be continual disturbances, and the matter would never be satisfactorily settled. Let a Committee inquire into the whole question, and an Act be founded upon their Report, and all the objects of the Government would be effected. He would, moreover, remind the House—for attention had not been drawn to it—of the manner in which the Resolution was worded. As the Resolution was framed, it read as though O'Donovan Rossa had, since his return, been found guilty of this offence, and not, as the fact was, previous to his return. It should be altered in accordance with the facts, for otherwise hereafter it gave an erroneous impression.

MR. MAGUIRE said, it had been assumed by Members who supported the Government in this matter, that there was really no serious doubt as to the propriety of the course now proposed. But, having listened with the greatest anxiety to the arguments used on the part of the Government, and to the address of the right hon. Gentleman (Mr. Bouverie), he must say that he, with other hon. Members, entertained doubts as to the propriety of the course proposed; and that being so, the people of Ireland would feel that the better course to have pursued would have been to adopt the suggestion of the hon. Member for Mayo. If the matter were sent to a Committee, the House would have the result of a great and solemn inquiry into which no element of passion would have entered to guide them in any subsequent action they might think proper to adopt. He had come to the conclusion that, by the late Act, they had, to a very large extent, abandoned their jurisdiction, and that they had not the power to decide on these returns. This was not a question of party, politics, or individuals, but one of grave Parliamentary law, which the House should not decide on by balancing one legal speech with another; but, after due inquiry, the matter should be referred to a Committee to inquire into the authorities.

SIR GEORGE JENKINSON said, if it had been competent for him to do so, he would have simply moved that Jeremiah O'Donovan Rossa be expelled from this House, and if that had been the original Motion it would have got rid of a great constitutional difficulty. He was afraid the Resolutions would be misunderstood in Ireland. They had been told that a great many things had lately been misunderstood in Ireland; that the policy of the Government had been misunderstood; and that language had been used by a Cabinet Minister with reference to the landlords and the land of Ireland that had been also misunderstood; and he was afraid it might be misunderstood in Ireland if it were supposed that the House of Commons entertained the slightest doubt about O'Donovan Rossa remaining a Member of that House. As he could not propose the expulsion of O'Donovan Rossa, he should support the Resolutions, and which every loyal and honest citizen in the country ought to adopt.

MR. STAVELEY HILL said, he should not have risen but for what had been said by the hon. Member for Cork (Mr. Maguire), as to the doubts entertained upon the subject. He, however, had never any doubts about the matter. Having been consulted as to the course to be adopted by the returning officer, he advised that O'Donovan Rossa should be put in nomination. It might have been that O'Donovan Rossa was not the O'Donovan Rossa, or that, if he was, he might have received a free pardon. He had no doubt about the question of eligibility, for he was of opinion that it was the felony, and not the attainder for felony, which caused the disqualification; and he utterly denied the eligibility of a felon to sit in the House. But he thought that the Act of 1868 had entirely divested this House of any jurisdiction in these matters.

MR. SERJEANT SIMON said, he was surprised that any doubt should have been expressed as to the jurisdiction of the House in matters of this kind. The Act of 1868 was passed for the purpose of more effectually preventing corrupt practices at Parliamentary elections, and the inquiry conducted by the Election Judges was confined to that. It did not, therefore, deprive that House of the power it had before of dealing with cases like that under discussion—namely, with all matters relating to its Members, and which it exercised in the case of Sir Sydney Waterlow only last year. It was an absurdity to suppose that that power did not exist, as without it, lunatics, idiots, minors, and—he had no wish to class them with those he had named—females might be returned as Members of Parliament, and the House according to the argument of the right hon. Gentleman (Mr. Bouverie) would have no power to deal with the return. The House had only parted with so much of its judicial powers as related to inquiry into corrupt practices at elections, and such questions of disputed returns as were previously dealt with by the Election Committees. All they had to inquire was whether the person who had been returned for Tipperary was eligible. He concurred in the opinion expressed by the Solicitor General and the hon. and learned Member for Richmond (Sir Roundell Palmer) that it was not the attainder of felony, but the judgment which constituted the ineligibility. Attainder was the consequence of the judgment and not the occasion of the inability. Indeed, persons had been expelled the House who could not in any sense be said to have been attainted of felony. A Committee could find no other precedents than those that had been quoted by the Government, or such as would go to this, that persons, such as monopolists for instance, not attainted had been declared unfit to sit in the House, and therefore he thought it would be useless to appoint one.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 301; Noes 8: Majority 293.

Main Question put, and *agreed to*.

Resolved, That Jeremiah O'Donovan Rossa, returned as Knight of the Shire for the County of Tipperary, having been adjudged guilty of felony, and sentenced to penal servitude for life, and being now imprisoned under such sentence, has become and continues incapable of being elected or returned as a Member of this House.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, in Ireland, to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Tipperary, in the room of Jeremiah O'Donovan Rossa, adjudged and sentenced to penal servitude for life, and being now imprisoned under such sentence.

QUEEN'S SPEECH,—*considered;*

Motion, "That a Supply be granted to Her Majesty:"

Committee thereupon *To-morrow*.

MINES REGULATION AND INSPECTION BILL.

LEAVE. FIRST READING.

MR. BRUCE, in moving for leave to bring in a "Bill to consolidate and amend the Acts relating to the Regulation and Inspection of Mines," said, that the subject had been brought under the notice of the House towards the close of last Session, so that it would be needless for him to make any lengthened remarks on the present occasion. He hoped to press forward the Bill with all reasonable speed. The second reading would be taken on the 21st instant, when, of course, an opportunity would be given to hon. Members of discussing the measure and the various Amendments to it. He had carefully considered the very numerous Amendments which had been proposed, as well as the representations made to him by deputations from what might be called both sides of the question; and the consequence was that he had introduced into the measure several Amendments which he would describe when the Bill came on for a second reading. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

In reply to Mr. A. EGERTON,

MR. BRUCE said, the Bill and Amendments would be printed on Tuesday next.

Motion *agreed to*.

Bill to consolidate and amend the Acts relating to the Regulation and Inspection of Mines, *ordered* to be brought in by Mr. Secretary BRUCE and Mr. KNATCHBULL-HUGESSEN.

Bill *presented*, and read the first time. [Bill 12.]

COINAGE BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER, in moving for leave to bring in a "Bill to consolidate and amend the law relating to the Coinage and Her Majesty's Mint," said: The Bill which I am about to ask leave to introduce is concerned with the laws relating to the coinage and the Mint; but it has no relation whatever to the question which I raised at the end of last Session with regard to the position of the mintage on our coinage. That question is in such a state that I do not think it could with any profit be at present brought before the House. We cannot, indeed, properly discuss the question of mintage without reference to the subject of international coinage; and the present state of affairs in France in regard to that subject is such as to make it desirable that we should not take any step just now even if the House were otherwise disposed to do so. The adoption of a single gold standard was recommended by the International Conference which met in Paris in 1867, at the instance of the the French Government. The French Government subsequently appointed a Commission which also recommended a single gold standard, but it has now thought fit to nominate another Commission to investigate the same subject. Consequently, as a single gold standard is indispensable for the advancement of a scheme of international coinage, the matter must stand over until the French Government shall have arrived at a conclusion on that all-important subject. The subject I now wish to bring before the House has been brought into prominent notice in our Department. The recent death of Professor Graham, the late Master of the Mint, whose scientific attainments shed lustre not only on his own name, but upon the country, occasioned us to take a survey of the whole subject of the Mint. The House is no doubt aware that the Masters of the Mint in the old time—in the time of Sir Isaac Newton, for instance—were not Government servants or *employés* as they are now. Sir Isaac Newton was a contractor with the Government for the coinage, and I believe he realized in that capacity a handsome fortune. At the end of the last century, however, the Master of the Mint became a political officer who came in and went out with the Government. The last person appointed under this system was Mr. Sheil, on whose retirement, in 1850, the plan was adopted of appointing eminent men of science, the first of whom was Sir John Herschel, on whose resignation, in 1855, the late Professor Graham was appointed to the office. Well, the result of our recent inquiries is this. We found there were two principal officers in the Mint—namely, the Master and the Deputy Master—and we soon became satisfied that there really was not sufficient work for two officers, and that it was not just or fair to the public that two persons should be retained to do duties which would moderately occupy the energies of one. The question then arose—with which of these two officers ought we to dispense? We accordingly considered the duties which had to be discharged, and came to the conclusion that the mintage is, after all, a very ordinary and routine kind of manufacture, requiring, no doubt, care and attention, but rarely raising any difficult points which demand the attention of a man of science. Moreover, when such points do arise they can be stated in the form of a problem, which may be easily solved by some of the scientific gentlemen who are so numerous in this country. The daily duties of the Mint require the attention of a man of business, versed in the affairs of public offices, and able to manage and thoroughly well direct the routine of a public establishment. Having arrived at these conclusions, it appeared to us that it was not our duty to recommend that the office of Master of the Mint should in its present shape be filled up. At the same time it was considered desirable not to destroy that ancient office, but rather to hold it in reserve, so that if any new emergency should arise, or if the plan we propose should not succeed, we may be able to revive it. We propose, therefore, to unite it with the office which I have the honour to hold, taking away from it its salary; and to leave the daily executive work of the Mint in the hands of the present efficient Deputy Master, Mr. Fremantle. The Chancellor of the Exchequer will perform all those duties which by Act of Parliament or otherwise require the action of the Master of the Mint, while the executive duties will be carried on by Mr. Fremantle in conference with the Chancellor of the Exchequer for the time being. By that operation, together with certain other reforms which Mr. Fremantle and other officers of the Treasury associated with him have been able to carry out, a reduction will be effected in the Estimates of the next financial year of £3,500; and I hope before long to be able to effect a still further reduction. Some reports on the subject have been made to the Treasury, and I will lay them upon the table, as they will inform hon. Gentlemen more minutely of the steps which have been taken. Hon. Members will see that the first object of this Bill is to amalgamate the office of Master of the Mint with that of the Chancellor of the Exchequer for the time being, and to take away its salary. The second object of the Bill is to consolidate the rules and regulations of the Mint, for at present nothing can be more difficult than to arrive at a complete knowledge of them. They are contained partly in Acts of Parliament, partly in Orders of Council, partly in Royal proclamations, and partly in the Mint Indentures, which were made part of the law of the land by the Act of 1816. The present Bill will compress all the information on this head into a single statute, so that everyone will hereafter be in a position to ascertain without difficulty what are the rules and regulations of the Mint. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

Mr. CRAWFORD said, the statement of the right hon. Gentleman had relieved his mind of a great weight, and he was sure many other persons would be gratified to learn that it was not his intention to carry out his proposals brought forward last year with regard to the weight and fineness of the sovereign. He believed that the measure indicated by the right hon. Gentleman would be satisfactory to the community.

Mr. KINNAIRD regretted that the office of Master of the Mint should be retained at all, because it might enable some future Government to revive it during the Recess and unknown to the House. Would it not be better to abolish the office altogether?

The CHANCELLOR of the EXCHEQUER said, that the Bill would annex the office of Master of the Mint to that of Chancellor of the Exchequer, and, therefore, nothing could be done to fix the salary of the former office upon the country without the consent of Parliament.

Motion *agreed to.*

Bill to consolidate and amend the law relating to the Coinage and Her Majesty's Mint, *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Stansfeld.

Bill presented, and read the first time. [Bill 13.]

The Chancellor of the Exchequer

FRIENDLY SOCIETIES BILL.

LEAVE. FIRST READING.

The CHANCELLOR of the EXCHEQUER, in moving for leave to bring in a Bill to amend the Law relating to Friendly Societies, said: I am sorry to say that it is for a similar reason I have to introduce a Bill on the subject of Friendly Societies. The public have lost a most excellent and hard-working servant in Mr. Tidd Pratt, who filled the office of Registrar of Friendly Societies and Savings Banks. The death of Mr. Tidd Pratt has, like that of Mr. Graham, induced me to consider what is the proper course to be taken in regard to the duties that he performed. The great merits of Mr. Tidd Pratt and the confidence he gained with the public threw a lustre over his office which possibly it did not of itself altogether deserve. The duty of the Registrar of Friendly Societies and Savings Banks is, in the first place, ministerial. It is his duty to register the rules of friendly societies, and, having done so, he had, in the next place, not exactly a judicial, but what may be termed a prophylactic duty, and to certify that those rules were in accordance with the law. When old rules were changed, and new ones were made, it was also his duty to certify them. With the exception of some small judicial duties, a large portion of his time was taken up in transferring stock when no trustees were living, in assisting in winding up companies, and discharging duties which were rather matrimonial than anything else—assisting companies to change their names. The Government have carefully looked at the matter, and we have arrived at the opinion that we may altogether dispense with one of these duties, and that the principal one—namely, the certifying of these rules by the Registrar, which is attended in the Act with certain results. The societies whose rules have been registered have become as it were the favourites of the law, and are entitled to certain privileges and facilities, such as those of suing fraudulent *employés* and trustees which are denied to others that have not obtained certification. Now that is a thoroughly bad principle of the law. The law ought to have no favourites. It ought to treat all alike, and if societies are allowed to exist they ought to be treated with perfect impartiality. If a society is legal it ought to have all the benefits and facilities which the law gives. If it is not legal it ought not to be allowed to exist at all. I do not know of any middle state of things, such as societies being allowed to exist, and yet being snubbed and looked down upon by the law. More than that; the certificate of the Registrar of Friendly Societies went no further than to show that the rules of the society did not transgress the law. It did not show in the least that the society was well organized, or was effectual for the purpose. It did not show that the rules were good, or that the actuarial calculations were sound. Nor did it give the societies the slightest protection, because it has been held that if the Registrar certified that to be law which was not law, his certificate did not make it law. It was not merely negative in its effects. It did very little good to societies, and it did a great deal of evil. By obtaining a certificate of a man of the known ability and eminence and the judicial impartiality of Mr. Tidd Pratt, certain societies obtained an amount of credit which they did not deserve. Poor and ignorant people who principally supported these societies believed that the certificate meant that the society had received the approbation of the Government, that it was founded on sound principles, and they might safely invest their money in it without the risk that attached to other societies not so certificated. So that founded with the best intentions and administered in the best manner, this paternal interference on the part of the Government with these societies has been most mischievous. Instead of pretending to give them this assistance and security we think it would be better to withdraw the pretence of doing it, and to leave these societies to stand or fall on their own merits. Their stability depends on the character, honesty, and good conduct of their managers, upon the soundness of their actuarial calculations, and the goodness of their constitution and rules, and not whether they do or do not transgress a long and technical statute. Therefore, I do not believe we can do a greater service to these friendly societies than to withdraw from them the certification of their rules, which is a mere illusion I propose that whatever benefit these societies derived from having their rules certified they should continue to receive from merely registering them, and putting the public in the position of being able to inspect them, and thus to form their own opinion upon them. There can, then, be no pretence for saying that the Government have looked into the matter and have satisfied themselves that the society was sound and might be relied upon. Every society would stand on its own merits, and we may then hope to prevent the increase of societies so unsound and so calamitous as many of these have been. There are many things to suggest for the amendment of societies of this kind; but this is the first step. The result of the Bill will be that the greater part of the duty of the Registrar will be at an end, and we do not, therefore, propose to fill up the office of Registrar of Friendly Societies and Savings Banks. The ministerial duty of registering these societies will be performed by the Board of Trade, which is willing to perform it. There are other small duties which we shall discharge without additional expense to the public. The main point is to do away with a very injurious piece of Government interference; but, of course, it will not be altogether disagreeable to know that the result of the Bill will be a saving of £1,500 a-year—£1,000 to the Registrar, and £500 to his chief clerk. The foregoing is the only piece of patronage which the Chancellor of the Exchequer possesses, and I may, therefore, claim to be disinterested in the matter. The effect of our interference has been to do what was never intended, and to give a spurious credit to certain societies. It has done but little good, and a great deal of mischief, and we cannot do more wisely than to withdraw from it.

MR. CORRANCE confessed that he felt satisfied with the tone of the Chancellor of the Exchequer's first observations. The right hon. Gentleman had pointed out with great justice that the Registrar's certificate seemed to him to convey a sort of fictitious value. But when the right hon. Gentleman told them that he proposed to do away entirely with the office he (Mr. Corrance) did not feel the like degree of accord. He thought the office of Registrar was invested with most important functions, for it had given the public much information relative to these societies which was extremely valuable, and which could not have otherwise been obtained. Lord Lichfield drew up a Bill relative to these societies, but he did not succeed in passing it through the House of Peers; and he (Mr. Corrance) had served on a Committee, the result of whose labours was an opinion that a Royal Commission ought to be issued to inquire into the subject at large. The right hon. Gentleman had stated that he was opposed to Government interference with these societies; but there were some of them which could not work out their rules, and they required the protection of such an officer as they had just lost. In the Bill about to be presented to the House he trusted that some substituted machinery would be found to make good the loss which the public had sustained in the death of that officer whose name they were now about to erase.

Mr. BONHAM-CARTER said, he felt some surprise that a Bill abolishing the connection of Government with the friendly societies was introduced at such a moment. In what the right hon. Gentleman had had said on Mr. Pratt's assiduity, knowledge of law, and able fulfilment of the duties which devolved upon him, he had merely done justice to that officer; but the right hon. Gentleman, he feared, greatly underrated the benefits which the working classes of the country had derived from the operation of those rules which, in fact, formed the code of the friendly societies throughout the country. He agreed that it was desirable to minimize, as far as possible, the paternal system of Government; but it should be remembered that in connection with these societies there were those who early in life had entered into contracts which affected the whole of their lives, and to whom, in their state of comparative ignorance, it would be difficult to explain an entire change of system. It was, therefore, desirable that some indication should be given as to the proposals of the Bill upon this head. The way in which friendly societies had developed and spread was, he thought, very creditable to the country, and the Government interference which had taken place had not been found altogether useless. It would certainly be a startling thing to immense numbers of persons to find that prop suddenly taken away.

Mr. Alderman LUSK said, he thought they ought to be obliged to the Government for bringing in this Bill. Over and over again he had known cases in which persons who had lost what to them were large sums by payments to those societies accounted for their having so invested by saying—"It was a Government society; it was according to the Government rules, and we thought it was all right."

Mr. WHALLEY asked the right hon. Gentleman to state the sources of information upon which he was acting in bringing forward so unexpected a measure. Undoubtedly, cases like those mentioned by the hon. Member for Finsbury (Mr. Alderman Lusk) were only too familiar; but the amount of good which the societies had accomplished under the superintendence of Mr. Tidd Pratt was very great indeed, and nothing ought hastily to be done which would weaken the confidence of the public in existing societies.

The CHANCELLOR of the EXCHEQUER: The facts which I have stated are tolerably notorious. I am not able to go into the list of authorities; but there are the Reports of the Registrar from year to year giving a most dismal picture of numerous and notorious failures of these societies. I think these are facts that ought to lead any Government that respects itself and is anxious to do what is good for the people carefully to consider whether it is altogether free from blame, and whether a continuance of the connection is likely to lead to good or otherwise. In answer to my hon. Friend the Member for Winchester (Mr. Bonham-Carter), I would state that the Bill is strictly limited to the office of Registrar of these societies, and that we do not meddle with any of the wider subjects to which he has alluded. It is not within my Department to deal with these societies, though there are some that I might not have been sorry to have tried my hand upon, and I think there is a good deal which might be done for them by legislation, such as preventing persons subscribing for benefits which it is utterly impossible they can ever receive. This, however, is a thing which we have never attempted to do. I do not think I am fairly chargeable with doing injury to existing societies when I only withdraw a prop which is very much like the reed that pierced the hand of him who trusted to it.

Motion *agreed to.*

Bill to amend the law relating to Friendly Societies, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. STANSFELD.

Bill *presented*, and read the first time. [Bill 14.]

BURIALS BILL.

RESOLUTIONS. FIRST READING.

Acts read; *considered* in Committee.

(In the Committee.)

MR. OSBORNE MORGAN, in moving that the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Burial Laws, said, the Bill was in its nature and in most of its clauses identical with that which had been introduced in the last Session by the hon. Member for Sheffield (Mr. Hadfield), giving leave for the performance of burials in churchyards, with or without religious services. A clause, however, had been added, providing that the cost of repairing and maintaining the churchyards should be charged upon the poor rates, as it was felt that if Dissenters were admitted to the right of burial in churchyards, they ought also to share the cost of maintaining them.

MR. BERESFORD HOPE said, that he could not accept the suggestion of his hon. and learned Friend that the placing the churchyards on the poor rate was any benefit to the Church. On the contrary, he looked on the proposal with apprehension, as tending to weaken the freehold right which the Church had in its churchyards; unless they gave this up he would forego any help from rates. Besides the new rate was simply a return in one incident to the principle of a compulsory church rate, and he foresaw difficulties in the imposition of this churchyard rate, now that church rates had just been got rid of. The grievance to be remedied really seemed a very small one, for it was simply the right to perform certain services in the churchyards, the Dissenters having already the right to bury in them, and already the right to perform what services they liked over the dead bodies, either at home or in their own places of worship. For the sake of attaining this one privilege more he doubted whether it was worth while to throw the existing machinery into confusion.

MR. HADFIELD remarked, that some very painful and distressing scenes had been witnessed in different parts of the country, in consequence of the existing state of the law with respect to burials in churchyards, and he conceived that it was therefore most desirable that some change, such as that proposed by the Bill of the hon. Gentleman, should be made.

Motion *agreed to*.

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Burial Laws.

Resolution *reported*; — Bill *ordered* to be brought in by Mr. OSBORNE MORGAN, Mr. HADFIELD, and Mr. M'ARTHUR.

Bill *presented*, and read the first time. [Bill 8.]

SITES FOR PLACES OF WORSHIP BILL.

LEAVE. FIRST READING.

MR. OSBORNE MORGAN, in moving for leave to bring in a Bill to facilitate the purchase and taking of Sites for Places of Worship and Schools, said, his Bill would afford to parties desirous of obtaining sites for places of worship and schools not self-supporting the same powers as were given to incorporated companies, of acquiring land for commercial purposes. There was the greatest possible necessity for powers of this sort to obtain sites in districts of England and Wales, where the land was in the hands of one or two owners, who always could, and sometimes actually did, refuse to sell a single rood of their land for religious or educational purposes where the land was sought to be obtained by religious bodies of the principles of which they did not approve. Such a grievance ought not to be tolerated in any civilized country. The Bill proposed to deal with the grievance in two ways. First of all it proposed to give the same power of purchasing by voluntary agreement from persons entitled to limited estates—*e. g.*, tenants for life, sites for places of worship and schools which was now enjoyed by companies under the Lands Clauses Consolidation Act. In Scotland a similar power existed, and he had never heard that it had been abused. The other portion of the Bill enacted that fifty persons, residing within a radius of four miles, might present a memorial to the Inclosure Commissioners, stating that within that radius no land convenient for a site for a school or place of worship could be obtained, and praying the Commissioners to put in force the compulsory provisions of the Lands Clauses Consolidation Act.

The Commissioners would be empowered, upon receiving such a memorial, to cause a public inquiry to take place, and they might, if the result of that inquiry was favourable, comply with the prayer of the petitioners.

Motion *agreed to.*

Bill to facilitate the purchase and taking of Sites for Places of Worship and Schools, *ordered* to be brought in by Mr. Osborne Morgan, Mr. Bouverie, Mr. Hinde Palmer, and Mr. Henry Richard.

Bill *presented,* and read the first time. [Bill 10.]

GAME LAWS (SCOTLAND) BILL.

On Motion of Mr. Loch, Bill to amend the Game Laws in Scotland, *ordered* to be brought in by Mr. Loch, Sir Robert Anstruther, and Mr. Parker.

Bill *presented,* and read the first time. [Bill 7.]

FELONY BILL.

On Motion of Mr. Charles Forster, Bill to abolish the Forfeiture of Lands and Goods on Convictions of Felony, *ordered* to be brought in by Mr. Charles Forster, Mr. Locke King, and Mr. Osborne Morgan.

Bill *presented,* and read the first time. [Bill 9.]

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

On Motion of Mr. Thomas Chambers, Bill to render legal Marriage with a Deceased Wife's Sister, *ordered* to be brought in by Mr. Thomas Chambers and Mr. Morley.

Bill *presented,* and read the first time. [Bill 11.]

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Friday, 11*th February,* 1870.

ROLL OF THE LORDS.

The Lord Chancellor acquainted the House, That the Clerk of the Parliaments had prepared and laid it on the Table: The same was ordered to be *printed.* (No. 4.)

The House met; and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 11*th February,* 1870.

MINUTES.]—Select Committee—Parliamentary and Municipal Elections, *appointed;* Printing, *appointed* and *nominated;* Public Petitions, *appointed* and *nominated.*

Public Bills—*Resolutions in Committee*—National Debt Acts.

Ordered—First Reading—Savings Banks [15]; Married Women's Property * [16]; Dissolved Districts and Unions [17]; Railway Construction Facilities Act (1864) Amendment [18].

INDIA—STAFF CORPS OF INDIA.

QUESTION.

Colonel SYKES said, he would beg to ask the Under Secretary of State for India, On what grounds a pecuniary premium is paid out of the taxes of India to subaltern officers of the Royal Army to induce them to enter the staff corps of India, to the exclusion of the sons of old officers of the Indian Army, and others, while numerous gentlemen are prepared to compete for a commission in the military service of India, upon any prescribed standard of agreement, and proceed to India free of cost to the State?

Mr. GRANT DUFF: In reply, Sir, to the first part of my hon. and gallant Friend's Question, I have to say that he has been misinformed. No pecuniary premium is paid out of the taxes of India to subaltern officers of the Royal army to induce them to enter that portion of the Royal army called the staff corps of India; but when a subaltern officer of not more than four years' service, belonging to a purchase corps, joins the staff corps, he receives, not out of the taxes of India, but from the War Office, the same sum which he would have received if he had sold out. The latter part of my hon. and gallant Friend's Question points to a policy entirely at variance with that which has been pursued since the amalgamation of the Royal and Company's armies—that policy being to weld these two armies together, and to allow no one to join the staff corps or specially Indian portion of the Royal army as now constituted, who has not passed some time in, and formed some associations with, a regiment not permanently connected with India.

INDIA—FURLOUGH AND RETIRED PAY OF INDIAN OFFICERS.—QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for India, Whether, as the dividends upon India Stock have always been paid upon the sixth of the month on which they become due, and as Consols and Reduced Government Stock are now paid upon the sixth of the months upon which they respectively become due, a day could not be fixed for the payment of furlough and retired pay of Indian Officers, instead of the second Monday of the months which occasionally as in the present month of February, delays the payment until the fourteenth of the month, to the inconvenience of the recipients?

MR. GRANT DUFF: Sir, in compliance with the suggestion of my hon. and gallant Friend, for which I have to thank him, the furlough and retired pay of Indian officers will be payable hereafter on the 8th day of the month following the month to the last day of which the pay is made up. For instance, the three months' pay to the 31st of January will be issued on the 8th of February. Payments to agents will be made, as at present, on the two preceding days.

NAVY—CRUISE OF THE CHANNEL AND MEDITERRANEAN SQUADRONS.

QUESTION.

MR. GOURLEY said, he would beg to ask the First Lord of the Admiralty, To state to the House the object of his recent cruise with the Channel and Mediterranean Squadrons; and, if he will have any objection to furnish a Return of the vessels engaged in the said cruise; such Return to include their names, tonnage, number of officers and men, cost of wages, stores, and provisions per month, consumption and cost of fuel per diem, average speed attained per hour under steam or canvas, separately and together; together with the number of days' fuel each vessel is capable of carrying?

MR. CHILDERS: Sir, in reply to my hon. Friend, I may refer him to the answer I gave on the 27th July last to my hon. and gallant Friend the Member for East Derbyshire (Captain Egerton), when I stated that it had been for some time the wish of the Admiralty to bring together the Channel and Mediterranean Fleets, and that we proposed, in order to obviate objections which might possibly be made in consequence of the Vice Admirals commanding the two fleets being nearly of the same rank, to join the Mediterranean Fleet at Gibraltar, and that the two fleets should cruise under the Admiralty flag. I may add, as a further reason, that both my gallant colleague Sir Sydney Dacres and myself were anxious to see much that we could not know except by personal observation, especially as to the performances of the ships of more recent construction—the *Hercules*, the most formidable iron-clad broadside ship in the navy; the *Monarch*, our most formidable turret-ship; and the *Inconstant*, the most powerful and swiftest unarmoured frigate. Perhaps I may say that the result has been, in our opinion, very satisfactory; and that, with reference to the second part of my hon. Friend's Question, I shall lay on the table the Report of the Captain of the Fleet, special Reports as to the ships of new type, a Memorandum by the Controller of the Navy, and a Minute of the Board of Admiralty. These Reports will have tables attached, which, if they do not give the full details asked by my hon. Friend, will give sufficient, I believe, for his purpose.

ARMY—YEOMANRY CAVALRY.

QUESTION.

MR. NEVILLE-GRENVILLE said, he would beg to ask the Secretary of State for War, Whether the Yeomanry Cavalry Force is to be placed on a different footing; if so, by what regulations is it to be governed; and, if reductions are contemplated, whether they will take place at once or as vacancies occur?

MR. CARDWELL: Sir, some regulations are in contemplation for the purpose of increasing the efficiency of the Yeomanry Corps, and, with the permission of my hon. Friend, I will state them when I introduce the Army Estimates. Some reductions will be made; some will be immediate, and others prospective.

ARMY—CADETS TO WOOLWICH.

QUESTION.

Mr. NEVILLE-GRENVILLE said, he wished to ask the Secretary of State for War, Whether any change is contemplated with respect to admission of Cadets to Woolwich; if so, whether the new rules will affect detrimentally young men preparing for their examinations on the faith of existing regulations?

Mr. CARDWELL: Yes, Sir, some changes are in contemplation in the rules for the admission of cadets at Woolwich, in accordance with the recommendations of the Commission on Military Education. They will not, however, affect candidates for the examination at Midsummer. The only change which will be made at Midsummer will be that the examination will be conducted by the Civil Service Examiners, instead of those who used formerly to examine.

INDIA—PUNJAUB TENANCY ACT.

QUESTION.

Sir CHARLES WINGFIELD said, he would beg to ask the Under Secretary of State for India, Whether he will lay upon the Table of the House, Copies of the Despatch of the Secretary of State for India to the Governor General of India, and of the Minutes of the Members of Council, on the subject of the Act passed by the Council of the Governor General for making Laws and Regulations in October 1868, called the Punjaub Tenancy Act; also of the Despatches of the First Governor of the Punjaub, and other Papers on the same subject?

Mr. GRANT DUFF: Sir, in reply to my hon. Friend, I have to say that it will give me much pleasure to lay upon the table full information about the Punjaub Tenancy Act, including all or most of the documents which he has mentioned.

ARMY—SERVICE AMMUNITION.

QUESTION.

Mr. STACPOOLE said, he would beg to ask the Secretary of State for War, If the General Order which was issued in September last depriving Soldiers when not on duty of their service ammunition, in order to afford security against military homicides, is in force in Ireland; and if not why not; and, if he has any objection to lay before the House any Correspondence that has taken place on the matter?

Mr. CARDWELL said, in reply, that when the Order requiring that the service ammunition should be taken from soldiers not on duty, and placed in the regimental magazines was issued, in September, general officers in command of districts were desired to use their discretion, and if they thought that the state of the locality required any exception to be made, they were to forward a representation to that effect to His Royal Highness the Field Marshal Commanding in Chief. Lord Strathnairn had reported that it was desirable there should be a suspension of the General Order in Ireland, and that report was approved.

NEW COURTS OF JUSTICE—SITE.

QUESTION.

Mr. HEADLAM said, he would beg to ask the First Commissioner of Works, Whether he will state what are the intentions of Her Majesty's Government as to the Site of the intended Courts of Justice, and as to the plan of the Building?

Mr. AYRTON said, in reply, that Mr. Street, the architect of the New Courts of Justice, was now engaged by his directions in drawing up plans for the construction of the courts within the limits of the site prescribed by the Act passed in 1865, also within the limits of the funds which were provided by the Act passed in the same year. It was a very difficult work, and required a great deal of time and attention. He hoped—indeed he had no reason to doubt—that Mr. Street would in the end succeed in fulfilling his instructions; and, assuming that the requisite consents were obtained for proceeding with the work, and that the plans were approved, he saw no reason why the work should not be commenced at an early period. At present, however, they had not arrived at a point at which he could tell his hon. Friend what the plans and arrangements were.

Mr. HEADLAM: Is it a part of the plan that there shall be a communication from the north to the south side of the Strand?

Mr. AYRTON: That is exactly a part of the plan as to which I am not in a position to give information. If there should be no funds provided by Parliament for making such communication it cannot be carried out, however desirable it may be; but that, of course, will be considered with all other matters relating to the work.

ARMY—SANDHURST CADETS.

QUESTION.

LORD EUSTACE CECIL said, he would beg to ask the Secretary of State for War, Whether the rumour that has appeared in the public papers, that the giving of commissions without purchase to the successful Cadets at the last half-yearly examination at Sandhurst is indefinitely postponed in consequence of the contemplated reductions in the Army, is true; and, if so, whether he is disposed to take the case of these young men into his especial consideration?

MR. CARDWELL, in reply, said, that the Government thought it right to give commissions to all the young men who had passed the last half-yearly examination at Sandhurst.

POSTAL COMMUNICATION WITH INDIA AND THE COLONIES.—QUESTION.

MR. HADFIELD said, he would beg to ask the Postmaster General, Whether it is intended by Government to afford facilities for communicating with India and the Colonies by post and telegraph, to cheapen postage, and to increase the speed and accuracy of telegraphic messages; and also, as far as practicable, to give to Her Majesty's subjects at home and in India and the Colonies the advantages conferred on merchants and others engaged in transactions with the people of America; and, if it be so intended, when the desired improvements may be expected to be made?

THE MARQUESS OF HARTINGTON, in reply, said, the circumstances under which the postal communications between this country and India and America were conducted were very widely different. In the case of America there were several lines of communication, and a certain amount of competition existed. It was therefore possible to get the service done for a comparatively moderate payment. In the case of the communication with India there was practically no competition whatever; the whole service was in the hands of a large company, whose receipts from other sources were not very large, and to whom it was necessary, therefore, to give a very large subsidy, which considerably exceeded the amount derived from postages, even at the enhanced rates. There were other circumstances which also rendered the two cases very different. In the case of America, a great portion of the correspondence passed between persons belonging to the poorer classes, and there was every reason to hope that a reduction in the rates would be followed by a very considerable increase in the quantity of letters sent. In the case of India, on the other hand, there was no reason whatever to anticipate any large increase in the letters sent would follow from a reduction of the postage rates which existed two years ago, or even from a still lower scale. A great part of the correspondence with India was commercial, and the rates now charged, though high, could not be deemed excessive when the service performed was considered. He could not, therefore, hold out the prospect of any reduction of the postal rates between this country and India and the Colonies served by the Peninsular and Oriental route. As to the part of the hon. Member's Question which related to telegraphic communication, the House was probably aware that the rates for telegraphic messages were fixed by the companies to whom the lines between this country and India belonged, and the Government had no control over those rates nor over the management of the lines. They were, however, in communication with some of the companies, and would do their best to urge them to give the public the advantage of every facility connected with the rapid and accurate transmission of telegraphic messages.

ECCLESIASTICAL TITLES ACT.

QUESTION.

MR. STACPOOLE said, he would beg to ask the First Lord of the Treasury, If it be his intention to introduce this Session a Bill to repeal or alter the Ecclesiastical Titles Act?

MR. GLADSTONE, in reply, said, it was the intention of the Government to propose to Parliament, in the course of the Session, a measure on the Ecclesiastical Titles Act, and to propose it with a view and with the hope, if possible, of passing it into law during the present Session. But in the actual state of Business, and with the mass of measures announced in the Queen's Speech, he could not feel at all confident that it would be in their power to introduce it before Easter. There would be no use in introducing the Bill until they approached the time when they would have a probable chance of carrying it forward.

THE NATIONAL GALLERY.—QUESTION.

MR. BERESFORD HOPE said, he would beg to ask the First Commissioner of Works, What steps Her Majesty's Government have taken or propose to take for the purchase of a site for the enlargement of the National Gallery, for which votes have already been taken; and, whether it is intended to proceed at once with the new building?

MR. AYRTON said, he might state that Her Majesty's Government, and their predecessors in Office, had taken the requisite steps to acquire the site which had been provided by the several Acts of Parliament passed for the purpose; and he believed the whole of the land would be obtained before the close of the present financial year. But the Government had not been able to consider fully what steps were to be taken for the purpose of erecting the new building. They had hardly yet arrived at a conclusion on that matter.

NAVY—WHITWORTH GUNS.
QUESTION.

SIR JOHN HAY said, he would beg to ask the First Lord of the Admiralty, Whether there is any truth in the report that it is intended to arm any of Her Majesty's ships with Guns manufactured on the Whitworth pattern; and, if so, if he will lay on the Table of the House any Report which has led him to adopt this Gun for further trial?

MR. CHILDERS, in reply, said, the Admiralty had proposed to the War Department that Sir Joseph Whitworth and Co. should be called upon to tender for the construction of a rifled muzzle-loading gun on his principle and of his metal, for the purpose of competition with a rifled gun constructed on the service principle. Their object in doing so was to decide by experiment which of the competitive principles it would be

most advisable to adopt for the very large guns which were to be used in the large turret-ships now in course of construction. It had not yet been decided whether Sir Joseph Whitworth's tender should be accepted.

NAVY—THE GUNS OF HER MAJESTY'S SHIP "HERCULES."—QUESTION.

CAPTAIN EGERTON said, he would beg to ask the First Lord of the Admiralty, Whether there is any foundation for a report which appeared some weeks ago of the disabling of the heavy guns of Her Majesty's Ship "Hercules?"

MR. CHILDERS: The 10-inch guns in the *Hercules* are vented in a peculiar manner for the sake of experiment, the upper part being of copper and the lower part of platinum; in five of these guns the platinum tip forming the lower part of the vent, and which projects into the bore, has been broken off by the effects of firing heavy charges; but four of these guns still remain in a serviceable state, and could be fired with perfect safety in case of necessity. The other gun was severely injured on the 14th of December while firing at target practice by a Palliser shell, filled with 10 lb. of powder, bursting prematurely in the bore near the muzzle, and is unserviceable. A flaw also exists in the cascable screw of a sixth gun; but until it has been examined by the Woolwich authorities, it cannot be ascertained whether it is of importance. It has been decided to re-vent the whole of the 10-inch guns with copper, which can be completed in fourteen days after the ship's arrival at Portsmouth; and a 10-inch gun has already been sent there to replace the one damaged by the Palliser shell.

PARLIAMENT—BUSINESS OF THE HOUSE—MORNING SITTINGS, &c.
QUESTION.

MR. BENTINCK said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to propose, during the present Session, any alteration of the Standing Orders with reference to Morning Sittings, and to the practice of counting out the House, especially on those occasions when the House reassembles at nine o'clock after a Morning Sitting?

MR. GLADSTONE: Sir, our attention has not, up to the present, been given to the subject of Morning Sittings; but I think our opinion generally is that the practice of recent years has been satisfactory, and that it would not be wise to alter the hours at which the House meets on Wednesdays. We have not observed any sufficient reason for taking that step. The usage first introduced by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) of meeting from two to seven on other days when a Morning Sitting is to be held, has been a very decided improvement on the old practice of meeting from twelve to four, and resuming at six. With respect to the subject of counting out the House, all I can say is that I agree so far with the apparent intention of the hon. Member's Question that I think the matter will require to remain under the vigilant observation of the House and of the Government. The laws of political economy command us all, whether we will or not; and I am told that the facilities provided for exporting Members from the House about the hour of seven, and re-importing them at a later hour, have decidedly enhanced the difficulty of maintaining the necessary quorum within those hours. I can assure the hon. Member that the matter will be kept in view, and that we will not shrink from the necessity of proposing a remedy in case circumstances should appear to call for one.

IRELAND—PARTY PROCESSIONS ACT. QUESTION.

MR. W. JOHNSTON said, he would beg to ask the Chief Secretary for Ireland, Whether the Government have caused the promised inquiry to be made into the operation of the Party Processions Act; and, if so, what was the result of the inquiry?

MR. CHICHESTER FORTESCUE, in reply, said, that the intimation he gave last year was to this effect, that the Government would, during the Recess, carefully look into the matter of party processions in Ireland, and if they thought it requisite to order a special inquiry to be made into it, they would do so. But they had not deemed it necessary to institute an inquiry in that special form, and he should be able to state the intentions of the Government on the subject early in the Session.

TURNPIKE TOLLS.—QUESTION.

MR. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce any Bill for continuing the Tax known as Turnpike Tolls in those cases where the original Act empowering the levying such Tax on the public has expired; and, if so, whether such Bill will be introduced at an earlier period of the Session than heretofore?

MR. KNATCHBULL-HUGESSEN, in reply, said, he was afraid that the system of bringing in these Turnpike Tolls Continuance Acts must be endured for some time longer by his hon. Friend and himself, however liable to objection they might think it, as great injustice would be done in many individual cases if the Acts of trusts in debt were allowed suddenly to expire. As to the period of the Session when the Bill would be introduced, he would give his early attention to the subject, so that those hon. Members who desired to discuss it should be placed at no disadvantage.

LICENCE DUTIES—FARM HORSE LICENCES.—QUESTION.

MR. MILBANK said, he would beg to ask Mr. Chancellor of the Exchequer, If his attention has been drawn to the letter that appeared in the "Times" addressed to Mr. W. E. Welby, M.P. on the subject of "Farm Horse Licences," and dated 29th January, 1870; and, if so, whether it is proposed by the Government to introduce a measure for exempting Farm Horses from Licence, only when employed in drawing materials for the repair of the parish roads?

MR. WALTER said, before answering the last Question, the Chancellor of the Exchequer would perhaps permit him to supplement it by another of a similar character—namely, Whether any and what change has been made by the financial measures of last Session in respect to farm horses let out for hire; and also whether a farmer is liable to the payment of the 15*s.* duty for allowing a plough-boy to saddle a pony?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I shall commence with the last Question first, because it relates to the pony. I wish my hon. Friend had given me notice of it, for I am not prepared to go into the details of the question; but with regard to the inquiry of the hon. Member for the North Riding of Yorkshire (Mr. Milbank), and also that of my hon. Friend the Member for Berkshire (Mr. Walter), I have to say that, as far as am aware, the Act of last Session made I no alteration with respect to the exemptions in the case of agricultural horses. But a number of ingenious gentlemen in the country have been exercising their minds in putting all manner of cases, and inquiring what would be the conduct of the Government with respect to those cases. Now, in the case of these Acts by which taxation is imposed there is what may be called a "customary interpretation." They have not been interpreted in a strained manner or like ordinary Acts; but if a number of persons—I am not now speaking of the hon. Member for Yorkshire—insist on putting questions as to whether this thing or that comes under the law—as to whether they will have to pay before they are asked—they will find in the law a strictness which neither the Chancellor of the Exchequer nor the head of the Inland Revenue would like to give it. I would caution all those who do not desire to pay more taxes than they can help that they would act wisely in refraining from this species of interrogation. Such questions can hardly have the effect of mitigating their taxation, while I think they might have the effect of increasing it. The head of the Revenue might be inclined to be a little forbearing even in cases which I could not stand up and say in the face of the House of Commons and the country were within the strict terms of the legal exemption. In reply to the latter part of the Question of the hon. Member for Yorkshire, I beg to say that I have no intention of introducing such a measure as he refers to, because to do so would be to introduce an Act to increase the exemptions of persons employing agricultural horses. The words of the Act are "a horse kept for the purposes of agriculture." Putting a lenient construction on those words, a man may be said to keep a horse for the purposes of agriculture though he may sometimes employ it gratuitously for other purposes; but when the horse is let out for hire, if the question be pressed on the Government, I must say that the exemption does not apply. As I am not very strongly impressed with the expediency of exemptions, I cannot say that I have any intention of bringing in a Bill to extend them.

ARMY—THE IRISH MILITIA.

QUESTION.

Mr. STACPOOLE said, he would beg to ask the Secretary of State for War, If the Irish Militia will be called out for training this year; also if he can state what has been the cost of that body since it was last called out for training; and, if not, whether he has any objection to have a Return of that cost made out, and laid upon the Table of the House?

Captain VIVIAN said, in reply, that it was not intended to call out the Irish Militia for training this year. He could not state what the cost of that body had been since it was last called out, but if the hon. Member moved for a Return on the subject there would be no objection to comply with his Motion.

METROPOLIS—THAMES EMBANKMENT.

QUESTION.

Captain GROSVENOR said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Lords of the Treasury concur in so much of the Forty-seventh Report of the Commissioners of Her Majesty's Woods and Forests and Land Revenues, presented to Parliament June 29th, 1869, as recommends building upon property belonging to Her Majesty upon the Thames Embankment, to the extent of 2 acres 2 roods 19 poles, or whether arrangements will be made to deal with this portion of Crown property in the same manner as the remainder of the site acquired by the Metropolitan Board of Works is dealt with in the Thames Embankment Act, by which Act such remainder is set apart in perpetuity for purposes of public recreation?

The CHANCELLOR of the EXCHEQUER: Sir, eleven acres of land below high water-mark, belonging to the Crown, were taken for the purposes of the Embankment. Of those 11 acres the Crown has retained 5½ acres, but it has received no compensation for the remainder. We do concur with the recommendation in the Report of the Commissioners that buildings should be erected on 2½ acres of the 5½ acres, the property of the Crown. I do not think it would be right to lay out in gardens so valuable a plot when it may be devoted to buildings and produce money which may be applied in relief of taxation.

COMMERCIAL TREATY WITH FRANCE, 1860.—QUESTION.

MR. NEWDEGATE said, he wished to put a Question to the First Lord of the Treasury, of which he had not given him notice. Of course, if the right hon. Gentleman was not now prepared to answer it, he should repeat it on a future occasion. He wanted to know, Whether any Papers having reference to the negotiation for the renewal of the French Treaty had been submitted to the Legislature of France; also, whether any Papers relating to a proposal for a commercial treaty with Austria had been laid before the Reichsrath; and also, whether the right hon. Gentleman would lay any Papers connected with either subject on the Table of the House of Commons?

MR. GLADSTONE said, he presumed the Question of the hon. Member related to Papers supplied from this country?

MR. NEWDEGATE: Papers from the Foreign Office.

MR. GLADSTONE said, he was not aware that any Papers from this country had been laid before the Corps Legislatif or the Reichsrath. Reports had been conveyed to them of proceedings in France and Austria with respect to the Commercial Treaty; but he was not aware that any Papers had been sent from this country, or that any official intervention of that kind had taken place. If the hon. Gentleman had received specific information which led him to believe that any particular Papers had been laid before the bodies mentioned, and would furnish him with the means of tracing the fact, he would take care to inform himself on the subject.

MOTION FOR SUPPLY.

Order for Committee on Motion, "That a Supply be granted to Her Majesty," read.

Queen's Speech *referred.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ELECTIONS—EXPENSES OF RETURNING OFFICERS.—RESOLUTION.

MR. SERJEANT SIMON said, he rose to call the attention of the House to the conduct of the Returning Officer for the Borough of Southwark, as set forth in the Petition of George Odger, a candidate for the said Borough; and to move a Resolution thereon. The House was aware that there were three candidates in the field, and that one of them, Mr. Odger, was a member of the working classes, whose interests, influenced by a laudable ambition, he desired to represent in that House. He (Mr. Serjeant Simon) did not wish to impute any unworthy motive to the High Bailiff of Southwark, but he did intend to submit that there were good grounds for the adoption of the Resolution of which he had given notice. On the 3rd of February Mr. Odger called upon the High Bailiff, who was the Returning Officer for the Borough, and deposited with him the sum of £100. The next day Mr. Odger received a letter from the High Bailiff stating that the £100 would be applied towards Mr. Odger's share of the official expenses of the election. The letter went on to say that there was no legal obligation on the High Bailiff to provide accommodation for check clerks, &c., but that in order that such accommodation might be provided he asked Mr. Odger to increase his deposit to £200, the latter being the sum lodged with him by the two other candidates, Colonel Beresford and Sir Sidney Waterlow. Before Mr. Odger's Election agent was aware of this letter, he called on the High Bailiff to obtain the usual documentary information with reference to the polling places and matters of that kind, and also to procure tickets for the admission of Mr. Odger's supporters to the Southwark hustings. The High Bailiff refused the information, and also the tickets; and he intimated that unless the deposit was increased to £200 he would not provide accommodation for Mr. Odger's polling clerks. The law relating to the subject was contained in two statutes. By the Reform Act of 1832, 2 *Will.* IV. c. 45, s. 68, the returning officer was bound, at the request of each candidate, and if not at his request, as far as he should deem it expedient, to provide polling booths for the various polling districts. The 71st section enacted that the expenses should be paid by the candidates in equal proportions, and it prescribed the number of deputy returning officers and polling clerks and their remuneration. By the 31 & 32 *Vict.* c. 125, s. 3, it was declared that a candidate should be held to be any person who had been elected or nominated, or who should declare himself to be a candidate. Therefore, until a person has been elected, nominated, or has declared himself to be a candidate, no liability attached to him in respect of polling places. His first complaint against Mr. Gresham was that, when he made his demand for expenses, Mr. Odger was not a candidate within the meaning of the Act; indeed he could not have been a candidate, the vacancy in the representation not having then occurred. Mr. Odger paid £100, but protested that even this was an excessive amount; and he (Mr. Serjeant Simon) would show that it was. The number of booths to be erected for Southwark was eight. These at the maximum charge under the statute of £25 would amount to £200. The deputy returning officers at these booths received by the same statute £2 2*s.* each, making £16 16*s.*, and thirty-eight polling compartments were necessary for the election, involving the employment of thirty-eight clerks at £1 1*s.*, making £39 18*s.* for polling clerks. This made a total of £256 14*s.*, which being divided among three candidates left only £85 11*s.* 4*d.* to be paid by each. But he believed that it would not be necessary to erect eight polling booths, because the High Bailiff might and usually did engage schoolrooms and other places of that kind. As a matter of fact, as he was informed, four had been hired at a charge of from £2 2*s.* to £4 4*s.* each; but taking them at £10 a-piece, there was thus a reduction of £60 on the whole, so that the expense to each candidate would be reduced to about £65 or £66, whereas Mr. Odger had already paid £100. The High Bailiff did not allege that Mr. Odger had not paid enough for polling booths, but that he had not paid for the special luxury of providing for the check clerks of the candidates. That objection, however, was mere moonshine, because the space allotted to each polling clerk was large enough to admit of three persons standing behind him, one for each candidate, to see that he took the poll correctly.

It was clear that, under the Act, Mr. Odger, until he became a candidate, was not liable for a shilling for providing polling booths; and that, if he went to the poll, he could be sued by due process of law for his share of the necessary expenses incurred; and if he retired the person who proposed him would be liable. In case, therefore, of any excess beyond what Mr. Odger had paid, the Returning Officer was protected by the law, which had made ample provision to bear him harmless. He was not there simply to arraign the conduct of Mr. Gresham, and to vindicate Mr. Odger, but to ask the House to take a larger view of the matter as it affected the freedom of election. If a Returning Officer had it in his power before an election to insist upon payment and to make his own estimate of the probable expenses and to fix it so high that no one but candidates of large means could provide the money, it would follow that the Returning Officer, and not the electors, would practically have it in his power to decide who was a fit and proper person to represent a borough or county. Such a power struck at the root of free election, and it was unwise and unsafe to leave it as it now was. He therefore begged to move his Amendment.

Mr. EYKYN, in seconding the Motion, said, it appeared to him that the High Bailiff of Southwark had taken upon himself the responsibility of re-imposing the property qualification, which had been very properly repealed by Parliament. Looking at the matter as a layman, he believed that the High Bailiff had not only acted with harshness, but with utter illegality. On this latter point he hoped to hear the opinion of Her Majesty's Law Advisers. The power vested in Returning Officers was a matter which affected the interests of all who sat in that House.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, all charges and expenses of Returning Officers should be so regulated by Law that the same shall not be at the discretion of the Returning Officer," — (*Mr. Serjeant Simon,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR HENRY HOARE wished to say a few words upon that part of this subject which related to those of the working classes who had aspirations to a seat in that House. It appeared from a Return which had been placed in the hands of hon. Members that morning, that £200 per head was the normal charge made by the Returning Officers against the metropolitan candidates. In the borough of Chelsea, for instance, where there were four candidates at the last Election, the total charge made by the Returning Officer was £770. He regretted that the Bill of the hon. Member for Brighton (Mr. Fawcett) had not become law, but in default of this it would be a graceful act to pass this Resolution as an instalment of justice and equity to those who desired a seat in that House, but who had not acquired a plethora of wealth. Directly a man became a Member he was asked for subscriptions to everything that could possibly be conceived. He had not only to pay for his seat, but when he had got it he was asked to strip himself of every shilling of his income to forward objects in which other persons took an interest. Though he did not himself desire that Members should be paid for serving their country, still he thought that they ought to be permitted to serve it without being called upon to make such heavy payments. He appealed to hon. Members on the other side of the House to support this Resolution in order to show that they really did take some interest in the working classes.

MR. ANDERSON said, he would support the Resolution on the ground that he thought it of the utmost consequence that the many great obstacles which now existed to working men obtaining seats in that House should be removed. From Papers which had been placed in the hands of Members it would be found that the last Election, inclusive of the expenses of successful and non-successful candidates, cost no less a sum than £1,500,000, so that the House was constituted at a cost of £2,100 per Member. The Paper did not show what proportion of that sum was paid to the Returning Officers, because their accounts had not been added up, but he should think that they would amount to at least one-tenth of the total sum. The expenses of the Returning Officer at Glasgow were £1 per 34 electors, in Belfast per 30, in Birmingham per 24, in Merthyr Tydvil per 19, in Dundee per 15, and in the Royal borough of Windsor the expenses reached the astonishing sum of £1 per 4½ electors. These statistics showed the existence of a great abuse, and he was only sorry that the resolution of the hon. and learned Member (Mr. Serjeant Simon) did not go further and declare that the constituencies themselves should pay the expenses of the Returning Officers, in which event the constituencies would take good care that those expenses were greatly reduced.

THE SOLICITOR GENERAL said, that it might be convenient, in the course of the few observations he was about to offer to the House, that he should keep distinct that part of the subject which related to the High Bailiff of Southwark from the wider view which the hon. and learned Member (Mr. Serjeant Simon) had requested the House to take of the matter. As he understood the law, the High Bailiff had a right, if the candidates thought fit to accept his terms, to enter into a contract with them to afford them all reasonable and necessary accommodation for the election for a certain sum. In the event of the candidates not accepting his offer he was bound by law to provide them with such reasonable and necessary accommodation, and to take his chance of subsequently recovering the expenses he had been put to from the candidates. In the present case he understood that the High Bailiff of Southwark had offered to make a contract with the candidates to provide the necessary election accommodation for £200 per head, that two of the candidates had accepted his offer, while the third was only willing to pay £100, and that thereupon the High Bailiff had said—"I have no power to make you enter into the contract, because whether you enter into it or not is left by the Act of Parliament to your option, but I shall give to those who have entered into the contract more facilities than I shall give you, and I shall decline to give you such reasonable accommodation and facilities as are necessary for putting you upon equal terms with your opponents." That he understood to be the ground taken up by the High Bailiff of the Borough. As he read the law, it was plain that a High Bailiff could not force any candidate to enter into any contract, it being entirely at the option of the candidate to enter into it or not, as he might think fit. The duty cast upon the High Bailiff was to provide the necessary facilities for the accommodation of candidates at elections primarily at his own expense, and he was entitled to recover subsequently a proportionate share of the expenses from each candidate, if he could. It was necessary that he should use the expression "if he could," because, in the famous contest for the city of Westminster, when Sir Francis Burdett was elected without having appeared as a candidate, the Court of King's Bench in the time of Lord Ellenborough held that the High Bailiff could not recover a proportionate share of the expenses from Sir Francis Burdett because he had done no act that placed him in the position of a candidate—he had done nothing but take his seat in the House when elected. It might be very hard upon the High Bailiff that he should have to incur these expenses at his own risk, but such being the law he was bound by it. What the High Bailiff had threatened to do in the present case —for he hoped that he would be too well advised to persist in such a course of action—was to act in a manner that would amount to misconduct of a public officer in his office, and would expose him to an action by the party aggrieved. The High Bailiff had threatened to give the necessary facilities to those of the candidates who had entered into the contract with him, while he refused them to the one who had not done so, and he apprehended that the High Bailiff had clearly no right to adopt such a course. The facilities of which Mr. Odger was threatened to be deprived, were—first, the accommodation for check clerks; and, secondly, the necessary documentary information to enable him to ascertain at which of the polling booths the electors were to record their votes. Now, in a large place like Southwark, it was of great importance to a candidate to know at which of the polling booths his various supporters were to record their votes, and if he were to be deprived of that information he would be placed at a disadvantage with regard to those who were contesting the seat with him, and therefore the High Bailiff would not be properly discharging his duty as a public officer if he were to withhold it from any of the candidates. Under these circumstances, in the hope that some report of the proceedings in that House might come under the notice of the High Bailiff, he ventured to submit to him for his consideration the well-known doctrine of law, that if a man was guilty of misconduct in a public office, whereby a private person suffered a private wrong, he would be liable to an action for damages, and to recommend him to be well advised before he exposed himself to the certain risk and the possible success of such an action by conduct such as that he had threatened to pursue in the present instance. He could not see that the present law, if fairly acted upon, afforded, as regarded the candidates, any real ground of complaint. He had not seen the Return to which his hon. and learned Friend (Mr. Serjeant Simon) had alluded, but he believed it showed the most ludicrous disproportion between the fees demanded in different places; and perhaps the fact that large sums were occasionally demanded and paid arose from the amiable state of mind in which candidates usually found themselves just prior to an election; possibly at a sterner moment they would decline to accede to the claims preferred. It might be proper that the discretion of Returning Officers should be revised by Parliament, and, as far as he could presume to express any opinion, it was a matter well worthy the attention of Government. He, however, submitted to his hon. and learned Friend (Mr. Serjeant Simon) whether it would not be better to withdraw his Motion for the present. An abstract Resolution often raised expectations it was difficult to satisfy, and the Motion before the House really did not advance the practical amendment of the law, while it seemed to pledge the House to more than was really intended. His hon. and learned Friend might rest satisfied with having drawn attention to his subject; and he would conclude by expressing an opinion that the Returning Officer had not discharged his duty properly if he had given facilities to one candidate which he had not given to another, and that possibly a recurrence of such conduct would be followed by unpleasant consequences.

MR. SERJEANT SIMON said, presuming that the statement of the Solicitor

General amounted to an assurance that the subject would at some future time receive the attention of the Government, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Motion *considered* in Committee.

(In the Committee.)

Queen's Speech read.

Resolved, "That a Supply be granted to Her Majesty."

Resolution to be reported upon *Monday* next.

NATIONAL DEBT ACTS.

RESOLUTIONS.

Considered in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: Sir, the object of the Bill, the foundation of which I am about to lay, by moving some Resolutions, is to carry out to the fullest extent the policy adopted last year of giving greater facilities to the holders of the Public Debt. Last year the Bank of England consented to allow the dividends to be paid without requiring the personal presence of the holders of Stock; the object of the present Act is to increase the number of payments of the dividends on Consolidated Stock, so that, instead of holders drawing their dividends half-yearly, they will draw them quarterly. This will be very agreeable, particularly to the poorer class of stockholders, who would rather receive their money in smaller sums and at more frequent intervals; and I am induced to hope, from correspondence I have had with the Bank, that it will not be attended with great inconvenience or trouble or expense. I do not intend to enlarge upon the advantages of such a system. Of course, the more convenient we can make this Stock to the holder the more popular we render it, the better the price it will fetch, and consequently the better for the public. Another part of the Bill, ancillary to the former part, aims at absorbing the Reduced and New Three per Cents into the Consolidated Stock. These reduced Stocks, although bearing precisely the same interest, probably through being a smaller amount — £277,000,000 altogether — stand at a lower price in the market than the Consolidated. A man must give £100 10*s.* of this Stock to obtain £100 of Consolidated; and we propose to give the option of exchanging these Stocks for Consolidated on the payment of 5*s.* per cent—that is to say, if a man holds any Reduced or New Stock he may obtain £100 of the Consolidated by paying £100 5*s.*; in fact, we take one-half of the 10*s.*, which is the market price, and give the other as a bonus on account of the transaction. The change is perfectly voluntary; but as we propose to make the Consolidated a more marketable and more convenient investment, by allowing the dividends to be paid quarterly, we believe the change will be made. The right hon. Gentleman concluded by moving the Resolutions.

MR. CRAWFORD said, he believed the 5*s.* which the Chancellor of the Exchequer imposed on the transaction was something in the nature of a fine, and would be fatal to the scheme. Few persons would deem the loss of 5*s.* compensated by the opportunity of receiving their dividends quarterly; besides, many trustees holding the Reduced Stock had no power to make the change. So far as the holders of Consols were concerned the quarterly payment would be a boon; but the public at large would suffer in the first instance, because paying dividends of £2,000,000 or £3,000,000 by anticipation would drain the Treasury just as the taxpayer by paying taxes in anticipation would raise the balances in the Exchequer.

MR. SCLATER-BOOTH said, he had no doubt that the quarterly payment would be a boon to the holders of Consols; he, however, agreed with the hon. Member for the City (Mr. Crawford) that the proposed charge of 5*s.* would be fatal to the scheme, and thought it would be better to consolidate the whole funded debt by Parliamentary authority without option. He also thought that trustees would be unable to exchange unless they were especially empowered to do so by the Bill the Chancellor of the Exchequer proposed to introduce.

MR. BARING said, that as the proposal was optional, it was a very innocent one. It would do no harm and not much good. It was a sort of doubtful matter whether many people were anxious to receive their dividends quarterly; but, as the Governor of the Bank had stated, the facility was hardly worth paying for. He rather thought the Chancellor of the Exchequer would find it was a scheme not of much value to the public at large. But, it being perfectly optional with parties to make the conversion, it could, as he had said, do no harm. It was one of those many experiments which, perhaps, they would now see constantly occurring in financial matters.

SIR DAVID SALOMONS said, he understood from the statement of his right hon. Friend (Mr. Chancellor of the Exchequer) that it was the intention of the Government in the Bill he was about to lay on the table to provide that the dividends on Consols should be paid quarterly. [The CHANCELLOR of the EXCHEQUER: Yes.] Well, then, he did not see why the holders of the New Three per Cents and Reduced should not have the same boon without the payment of 5*s.* per cent premium. He thought it would be much better to unify the whole debt. He ventured to press on his right hon. Friend what had been urged by the Governor of the Bank (Mr. Crawford) that when entering into large transactions for the advantage of the public he should not hamper himself by taking a narrow view of small details, but offer to the holders of the other Stocks the same advantage he gave to the holders of Consols free of charge.

THE CHANCELLOR OF THE EXCHEQUER would only say, in reply to his hon. Friend the hon. Baronet (Sir David Salomons) that at present when £100 and 10*s.* of Reduced was required to obtain £100 of Consols, if he allowed the holder of £100 Reduced to obtain the same boon as the holder of Consols, he would be making him a present of 10*s.* per cent.

SIR DAVID SALOMONS said, that would only be in case the holder sold.

Resolutions *agreed to.*

(1.) *Resolved,* That it is expedient to amend the Acts relating to the National Debt.

(2.) *Resolved,* That it is expedient to convert certain perpetual Annuities into certain other perpetual Three per cent. Consolidated Annuities, and to make provision for the payment quarterly of the Dividends on the Consolidated Three per cent. Annuities.

(3.) *Resolved,* That the Dividends due and payable at the Bank of Ireland on the 10th day of October in each year shall, in future, be due and payable on the 5th day of October.

Resolutions to be reported upon *Monday* next.

PARLIAMENTARY AND MUNICIPAL ELECTIONS.

MOTION FOR A SELECT COMMITTEE.

THE MARQUESS OF HARTINGTON, in moving that the Select Committee to inquire into the present modes of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity, and freedom, be re-appointed, said, he would detain the House with the shortest possible statement. Hon. Members were well aware that the Committee was appointed early in the Session of last year. They met about the beginning of April, and continued to sit during the remainder of the Session. They examined a great number of witnesses and collected a great amount of evidence. That evidence was printed, and was before the House; and it contained a large amount of information, which, in his opinion, would be found of considerable use when they came to legislate on the subject. The Committee, thinking that the time occupied in the examination of witnesses had extended so far that it would not be possible for them to devote sufficient time to the preparation of their Report, agreed to a Resolution recommending the early re-appointment of the Committee, with a view not to the examination of additional witnesses, but solely to consider their Report. In pursuance of that Resolution it was now his duty to move the re-appointment of the Committee, and, presuming that their Resolution to examine no more witnesses would be adhered to, no very long time need elapse before the Committee reported to the House, and it would be perfectly possible during the present Session to legislate on the Report. He, therefore, begged leave to move the re-appointment of the Committee.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the present modes of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity, and freedom."—(*The Marquess of Hartington.*)

And, on February 15, Committee nominated as follows:—Marquess of HARTINGTON, Mr. GATHORNE HARDY, Mr. BRIGHT, Mr. HUNT, Sir GEORGE GREY, Mr. VILLIERS, Sir FREDERICK HEYGATE, Mr. BRAND, Mr. CROSS, Mr. WHITBREAD, Mr. RAIKES, Mr. LEATHAM, Mr. STAVELEY HILL, Mr. LOCKE, Mr. WILLIAM HENRY SMITH, The O'CONOR DON, Mr. GRAVES, Mr. DALGLISH, Sir MICHAEL HICKS BEACH, Mr. JAMES, Mr. HOWES, Mr. FAWCETT, and Mr. BOURKE:—Seven to be the quorum.

SAVINGS BANK BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the House is aware that the Government have now for many years received the deposits of the savings banks, and have paid interest to the savings banks for their deposits, coming under obligations to restore those deposits *in solido* when called upon to do so, being allowed to invest those deposits in certain securities in order to enable them to pay the amount of interest. The rate of interest the Government now pay to the savings banks is £3 5*s.* per cent, and the object of the measure which I ask leave to introduce is to reduce that rate of interest by 5*s.*, so that it shall henceforth be £3 per cent. The reasons for that are extremely simple, and, I think, extremely cogent. The Government paying this £3 5*s.* per cent interest to the savings bank is very much in the position a banker would occupy who should receive money on deposit and pay to the depositor a rate of interest equal to what he obtained for the discounting of bills. Such a banker would obviously be a loser in the business, because, in addition to having to pay for his whole establishment, he would lose the interest on the amount he was obliged to keep in his till to meet demands, and would have no margin to cover any deficiency on the realization of his engagements. That is honestly the case of the Government. The interest the Government receives does not protect it from having loss by these transactions. The National Debt Commissioners must keep a considerable balance to answer demands, and it is of the nature of the business they carry on with the savings banks that the money comes in when securities are high and they sell out when securities are low. Therefore it is evident there is an element of loss in these transactions. The only thing to counterbalance it is the rate of interest they receive, and that rate of interest is not sufficient to counterbalance it. Now, I think it is a perfectly obvious principle that, though it be the undoubted duty of the Government to take care of these funds and allow a reasonable interest on them, it is not right that the general taxpayer should be heavily burdened in order to make good the deficiency actually occasioned. It is quite enough if we take care of the deposits, that we should give absolute security to restore them in full and pay whatever interest we agree upon, without putting our hands into the public purse and spending large sums of money in order to make up the deficiency. There is an element of socialism in this that ought to be excluded. That is no imaginary case, as I may show by reference to a Parliamentary Paper which gives an account of what was due at the closing of the accounts to the savings banks in November, 1868. It appears that on the 20th of November, 1868, the savings banks were entitled to receive from the Commissioners of the National Debt Office £37,177,000; and the securities held by the Commissioners, according to the estimated price on that day had they been realized, would have produced £34,399,000, so that there was a deficiency of £2,778,000. But that by no means exhausts the whole deficiency, for there had been large losses or deficiencies before that. I think the case very simple, but very clear. Though bound to give the savings banks as good interest as we fairly can, we ought not to give such interest as would involve loss to the taxpayer; and, therefore, I hope the House will allow me to introduce this Bill. There are plenty of precedents for the course I now propose. From 1817 to 1828 the savings banks were receiving £4 11*s.* 3*d.* per cent from the Government. From 1828 to 1844 the Government paid the reduced sum of £3 16*s.* 0½*d.* per cent. And from 1844 up to the present time Government has only paid at the rate of £3 5*s.* per cent. I now propose to reduce the interest to £3 per cent. The right hon. Gentleman concluded by moving for leave to bring in a Bill to amend the Law relating to Savings Banks.

Motion *agreed to.*

Bill to amend the Law relating to Savings Banks, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 15.]

DISSOLVED DISTRICTS AND UNIONS BILL.

LEAVE. FIRST READING.

Mr. GOSCHEN, in moving for leave to bring in a Bill to make provision for the proceedings of Boards of Management and Boards of Guardians upon the dissolution of Districts and Unions, or the annexation of Parishes to Unions, said, the Bill was of a technical character, and it was intended by it to supply certain omissions in the Poor Law of 1834, and the Acts amending the same, with regard to what took place when a Union was dissolved. Provision was only made by those Acts for the adjustment of liabilities between the parishes, but with respect to liabilities due to third parties, which would have to be met by the parishes constituting the dissolved Unions, there was no remedy. The Boards of Guardians were dissolved, and there was no one left responsible or who could be sued. The Bill was of an urgent character, inasmuch as the liabilities of several of the Unions that had been dissolved could not be met until the Bill was passed.

Motion *agreed to.*

Bill to make provision for the proceedings of Boards of Management and Boards of Guardians upon the dissolution of Districts and Unions or the annexation of Parishes to Unions, *ordered* to be brought in by Mr. Goschen and Mr. Arthur Peel.

Bill *presented,* and read the first time. [Bill 17.]

RAILWAY CONSTRUCTION FACILITIES ACT (1864) AMENDMENT BILL.

LEAVE. FIRST READING.

Mr. WHALLEY, in moving for leave to bring in a Bill for the Amendment of the Railway Construction Facilities Act (1864), said, the object of the Bill was to remove from the Act of 1864 the power which it conferred on certain railway authorities of putting their veto on the action of the Board of Trade in respect to railway projects, even where the landowners and ratepayers assented. The right hon. Gentleman the President of the Board of Trade, whose absence from the House he deeply lamented, had intimated his assent to his Motion.

Mr. SHAW-LEFEVRE said, he would not oppose the first reading, but the House was not, therefore, to understand that he agreed to the principle of the Bill. He (Mr. Shaw-Lefevre) might propose a Bill on the same subject, and he proposed that the second reading should be postponed for a fortnight, to enable the House to judge of the Bill he proposed to lay before it.

Motion *agreed to.*

Bill for the Amendment of the Railway Construction Facilities Act (1864), *ordered* to be brought in by Mr. Whalley and Mr. M'Mahon.

Bill *presented,* and read the first time. [Bill 18.]

MARRIED WOMEN'S PROPERTY BILL.

On Motion of Mr. Russell Gurney, Bill to amend the Law relating to the Property of Married Women, *ordered* to be brought in by Mr. Russell Gurney, Mr. Headlam, and Mr. Jacob Bright.

Bill *presented,* and read the first time. [Bill 16.]

PRINTING.

Select Committee *appointed* and *nominated,* "to assist Mr. Speaker in all matters which relate to the Printing executed by Order of this House, and for the purpose of selecting and arranging for Printing, Returns and Papers presented in pursuance of Motions made by Members of this House:"—Mr. Bonham-Carter, Sir John Pakington, Mr. Walpole, Mr. Henley, Mr. Cardwell, Sir Stafford Northcote, The O'Conor Don, Mr. Hastings Russell, Mr. Hunt, Mr. Stansfeld, and Mr. Sclater-Booth:—Three to be the quorum.

PUBLIC PETITIONS.

Select Committee *appointed* and *nominated,* "to whom shall be referred all Petitions presented to the House, with the exception of such as relate to Private Bills; and that such Committee do classify and prepare abstracts of the same, in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and do report the same from time to time to the House; and that such Reports do in all cases set forth the number of signatures to each Petition:—And that such Committee have power to direct the printing *in extenso* of such Petitions, or of such parts of Petitions, as shall appear to require it:—And that such Committee have power to report their opinion and observations thereupon to the House:"—Mr. Charles Forster, Mr. Bonham-Carter, Major Gavin, Mr. Hastings Russell, Sir David Salomons, Mr. Owen Stanley, Mr. Kinnaird, Mr. M'Lagan, Viscount Crichton, Mr. Dimsdale, The O'Conor Don, Mr. William Ormsby Gore, Mr. Henniker-Major, Lord Garlies, and Mr. Guest:—Three to be the quorum.

House adjourned at half after Six o'clock till Monday next.

HOUSE OF LORDS,

Monday, 14*th February*, 1870.

MINUTES.]—SELECT COMMITTEE—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod, *appointed.*
PUBLIC BILL—*First Reading*—Sunday Trading * (5).

QUEEN'S SPEECH.—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE LORD STEWARD (the Earl of BESSBOROUGH) *reported* Her Majesty's Answer to the Address as follows:—

MY LORDS,

"I THANK you for your loyal and dutiful Address.

"I rely with confidence on your assurance that the important measures to be submitted to you will receive your attentive consideration."

BRITISH COLONIES.—OBSERVATIONS.

THE EARL OF CARNARVON, who had given notice to call the attention of the House to the present relations of the Colonies with this Country; and to move for Copies of Correspondence between Her Majesty's Government and the Governor General of Canada and the Governors of the Australian Colonies on the reduction of the Military Forces stationed in those Colonies, said: My Lords, the Speech which Her Majesty was graciously pleased to communicate to us a few nights ago was one of more than usual length, and the subjects with which it dealt were, perhaps, of more than usual importance. But there was one question to which some reference might well have been expected, but to which scarcely any allusion was made—that of our colonial relations. Now, with the exception, perhaps, of the various considerations with regard to Ireland, there are scarcely any subjects which have within the last few months been more in the public mind than the various questions relating to our colonial empire; we have had a grave and even dangerous crisis in New Zealand; we have heard of a rebellion in the Red River Colony; we have had a petition from certain agitators in British Columbia, praying for annexation to the neighbouring republic; we have had the public mind stirred very much on the question of State aid to colonial emigration. It was with some surprise, therefore, that I remarked a silence on colonial subjects in Her Majesty's Speech. Now, in opening the subject to which I propose to call attention, I wish at once to explain that I do not propose to enter upon any one of those controverted questions; for the matter which I desire to bring before your Lordships is of itself so large that I do not desire to engraft any collateral matter upon it. I propose rather to draw attention to the relations which exist between ourselves and our great self-governing Colonies — first of all, in what may be called the incidents of civil government, and afterwards in that which is, after all, one of the main ties which bind them to us — the question of military organization and defence. We have a colonial Empire such as perhaps no other people ever possessed. Spain had a great colonial Empire, but it has almost disappeared. France had considerable dependencies across the seas, but she has seen them gradually absorbed by other nations. England alone has built up a vast structure, and though we have lost a part, we have been enabled to preserve a great deal. Our colonial Empire has, indeed, been the child, sometimes of accident, and sometimes of mistake; but in spite of all it is an Empire of which we have reason to be proud, and which I trust English statesmen will long continue to cherish. We at one time had great Colonies which we taxed injudiciously and contrary to the sound principles of government; they revolted, and we lost them; and let me say in passing, that of all the calamities which have befallen this country, I regard that separation as perhaps the greatest disaster, in itself and still more in the manner in which it was brought about. We gained other Colonies, some of which we have lost, others of which we retain. As time went on, other difficulties and differences arose. To some of our Colonies we sent our convicts; after a while they refused to take them, a struggle ensued, and we had the good sense to waive the point. Again we indulged in every conceivable theory of trade—sometimes theories which were obviously adverse to colonial, and sometimes theories as obviously adverse to Imperial interests. But time went on, and other changes were introduced. We gave them self-government, perhaps, in too indiscriminate a manner, and in some cases prematurely; we lavished upon them a profuse expenditure from home resources, till we suddenly found that we had shifted to ourselves burdens which had previously been placed upon them. At the present time the self-governing Colonies have little, I think, to complain of. They have the amplest measure of self-government; they have personal and political freedom without stint; they have legislative and administrative liberty to do almost as they please; and whenever an Imperial veto has been exercised it has been exercised for their safety and welfare, so as to lighten their burdens, correct the mistakes of their administration, and give them the facilities which it is our duty to afford them, but which it is also to their advantage to possess. It may further be said that English statesmen, and English Governments and Parliaments, without exception, for many years have acted towards our Colonies, sometimes, no doubt, under mistaken impressions, but always with an honest and unselfish purpose, and in perfect good faith. And the result has been that during the last ten or fifteen years the old feelings of irritation which used to exist—the jealousy of Downing-street influence and of the Secretary of State—have gradually been fading away into visions of the past, and the Secretary of State has come to be looked upon by the Colonies rather as a friendly arbiter and adviser, on whom they can count in times of difficulty. But I am bound to say that within the last few months a change seems to have occurred in this respect which I deeply deplore. Feeling the value of our Colonies, I can conceive very few equivalents indeed which it would be worth exchanging against the cordial feelings which have been heretofore entertained; yet that feeling is changing. A feeling of jealousy and irritation has sprung up, and I must ask Her Majesty's Government and this House to consider the question as calmly and dispassionately as they can; for though I am quite aware that I am trenching upon ground which may seem to have a personal significance, I can assure your Lordships that I am not guided by any party spirit. I readily admit that in the agitation which has been going on during the last few months there has been considerable misunderstanding; but some truth, no doubt, there has been in it, and that truth we must endeavour to disentangle. A great many remedies have been proposed; to some of which I will first of all refer, because they have, I think, furnished ground for misapprehension. I put aside, as your Lordships will understand, all those Colonies which come under the head of military or commercial posts, and those which are or ought to be Crown Colonies, and will deal only with the self-governing Colonies—the Dominion of Canada, the Australian Colonies, and New Zealand. My Lords, schemes have been put forward for what may be called a Confederation of the Empire. There has been a consciousness that this great Empire is Imperial in name, and local in effect and in power; and there has accordingly been a desire to tighten the bonds which at present seem to have a tendency to relax. Confederation, it has been said, might be accomplished either by giving the Colonies representation in the British Parliament, or by some such agency as the Supreme Court of the United States. I do not, however, think it worth while to go into that question. I have often weighed the arguments for and against it, and though I would gladly accept such a Confederation if I thought it possible, I am afraid it is really impossible. Again, it has been argued by persons of considerable weight here and in the Colonies themselves that the creation of a Council corresponding in character to the Indian Council in this country would afford the Secretary of State more information on important colonial questions than he is supposed now to obtain. But the objection to such a Council is that there is no analogy between our colonial and our Indian Empire. Our colonial Empire consists of a variety of countries in different parts of the world, in different stages of advancement, and under different forms of government — in most cases having little or no connection with each other, in many having almost absolute power of self-government; whereas the whole of India is placed under an almost despotic administration. In former days agents used to represent the different Colonies in this country, and I believe Mr. Roebuck was agent for the great colony of Canada. That system, I have always understood, worked well; but it must be remembered that the Colonies were then in a very different state from what they are in now, and I doubt whether a recurrence to that plan would meet the object in view. With regard, indeed, to a Council it would be extremely difficult for this country to obtain the presenceof the best men to represent the interests of the Colonies. All acquainted with the state of our Colonies are aware that there—as, indeed, in every country—the supply of first-class men is limited, and you would not get, certainly, the best men who would be really representative, of the existing Governments, or Parliaments, or parties. In a colony so distant as Australia, a change of Government might often happen, which should make it necessary that their representatives should be replaced, independently of the fact that there is no strong connection between the different Colonies which would enable you to form a homogeneous and working Council. If anything showed this more plainly than another, it was a meeting of colonial gentlemen in Cannon Street, which took place two months ago. I observed that, at the very first meeting, while some of the representatives of the large Australian Colonies complained of a coldness on the part of the noble Earl opposite (Earl Granville), and of his reluctance to interfere in New Zealand and in other matters, a gentleman from the West Indies complained that there was too much interference on the part of the Crown. I may say in passing that two at least of the great self-governing Colonies of Australia have distinctly repudiated the action of these self-constituted and irresponsible advisers; though, on the other hand, they have expressed no approval of the policy of the noble Earl. With regard to information to be given to the Secretary of State, I quite admit that there are cases in which it is desirable that more information should be at the command of the Secretary of State; but I think such cases are few. There are cases of real importance, of Imperial concern, and in these you already secure the best men from the colony. On questions of vital interest the best men are sent over. During the short time that I held the seals of the Colonial Office, while the confederation of British North America was pending, I received a deputation of twelve or fourteen gentlemen, the best men who could be selected from the Provinces, and who represented every shade of opinion. They spent a considerable time here, discussing every clause and almost every line in the Confederation Bill, and it was by their assistance that the scheme was at last brought to a satisfactory conclusion. On great questions, therefore, you can command the presence of the very best representatives; while in small cases the best men cannot be spared, and you would be forced .to avail yourselves of inferior men. With regard, then, to furnishing the Secretary of State with information I have come to the conclusion that our existing system works, at all events, so well that we need not on this ground alone have recourse to the remedy proposed. Another proposal has been made. It has been said that our Colonies have now reached such a stage of growth that they might pass into the character of allies, and the intercourse with them might be rather of a diplomatic than of an official character. I certainly should entertain no jealousy if I thought that time had come, but I do not think that it has. Ultimately, indeed, it may be so, but it must be at a later stage; and it is needless to point out that diplomatic relations between England and her Colonies would, at all events, now tend to weaken the connection rather than to strengthen it. Lastly, there was a proposal thrown out by the noble Earl on the cross-Benches (Earl Grey), who believes that the concessions which we have made to our self-governing Colonies might be, with their consent, and to the advantage of all parties, be modified. I am not sure that I do not agree with him, so far as to think that they have been, in some cases, excessive; at the same time I think the force of circumstances was such as to render the concessions very often inevitable, and looking at things broadly it was best for our Colonies, and probably for ourselves, that those concessions were then made. Excessive as they may be, the attempt to recall them would now be hopeless and impossible. To quote an illustration—which is not mine—it is as if a father, rightly or wrongly, had parted with his estate to his children, and in later years, on re-consideration, was desirous of re-possessing himself of his power. But he would find that it had really gone, and that he could only appeal to the natural affection of his children. That I believe to be our present position towards our Colonies. But does it follow that no improvement in our present relations is possible, and that we must drift on carelessly, reckless whither we are going? Certainly not; and I am confident that if on the part of English statesmen there exists — as I believe there does on the part of colonial statesmen—a desire to find a remedy, and to knit up the different portions of the Empire once more into closer bonds one with another, a way can be found, and more or less effectually, the task can be accomplished. The problem is to secure and preserve on the one hand the self-government which you have given to the different Colonies, and on the other hand to add to it a more real connection than that which now exists. It may be hard, but I do not believe it in any sense impossible. There are several influences, at all events, which may greatly tend to facilitate such a result. In the first place, a greater sympathy, a greater heartiness of expression, a greater affection, a more sincere pride in this great Empire, are all circumstances which would tend to promote the object in view. Will the noble Earl (Earl Granville) forgive me for saying that the consideration and courtesy of speech so often shown by him in this House to all your Lordships who have come into political contact with him, have for some strange reason, I know not what, apparently deserted him in his correspondence with the Colonies? Will he forgive me for saying that despatches, however accurate their logic, however incontestable their facts, ought not always to be written in hard terms? I may remind him of the French proverb, that all the truth is not at all times to be said; and so with regard to many of these Colonies, despatches couched in harsh terms and with severe logic, running up as it were a debtor and creditor account between us and them, are not the mode in which we can heal wounded feelings, or soothe men who, after all, are smarting under the sense of property destroyed, the lives of relations lost, and injuries of all sorts. I wish that the noble Earl could come to some understanding with the great self-governing Colonies as to what it is which they conceive would really be best for maintaining the Imperial connection, and what they consider necessary to be done. I think he was perfectly right in declining the conference proposed to him by the self-constituted advisers of the Colonies here in London; but I wish he had at the same time invited the co-operation of the Parliaments and local Governments of the great Colonies in contributing their opinions towards the solution of the question. In the next place, an influence to which he might appeal with perfect certainty of success is the influence of the Crown, whether we look upon it in the abstract or whether it represents, as it does in these Colonies, the virtues and high qualities of the Sovereign who now wears it. It is very much the fashion among a certain class of travellers to dilate upon their material prosperity and growth, and national expansion, and everything which brings them apparently into relationship with the republican institutions of the United States, while exhibiting a singular desire to leave entirely out of sight the vast influence of the Crown and the feelings of loyalty which it calls forth. But, there is no part of Her Majesty's dominions where there is a more ardent feeling of devotion than in these Colonies; no part, I believe, which would be prepared to make sacrifices with greater cheerfulness on behalf of the Sovereign or the national honour. Is it wise to throw away all that feeling as useless lumber? Lastly, is another mode of action which possibly might facilitate the object in view. There is an old English proverb—" Short reckonings make long friends," and I believe nothing contributes more towards a good understanding between man and man, and nation and nation, than a distinct understanding of the different powers they may both exercise, and the lines which separate one from the other. Now, there can be no doubt that in our colonial Empire, which has been the gradual growth of time and circumstances, the powers exercised by the Imperial Government on the one hand, and the colonial authorities on the other, have not been clearly marked out. It would be well if Her Majesty's Government would consider the practicability of defining some of these powers. Time, no doubt, was when without much difficulty we might have had one great commercial system. That has passed by. Time was also when we might have had one financial system. I do not think it is too late even now to have one common coinage in Her Majesty's Empire. Moreover, I can conceive many cases in which the law might, with advantage to England, and still greater to the Colonies, be made common and uniform throughout every part of the Empire. These are questions at which, of course, I can only hint, but which deserve the attention of the Government, and on which they might safely invite the co-operations of our great Colonies. Above all they ought to consider what should be the principles upon which the military defence of the Empire should be placed. They should bear in mind that the military organization of the Empire might be a great source of strength, and, that, at all events, it is the one great tie which still holds the Colonies to England. I wish, indeed, it were possible that an Englishman and a Colonist, when they passed to their respective countries, should feel that they were members of the same great Empire, that they should know no difference whatever except in sky and climate, and that in all other respects the Englishman should feel himself a citizen in Canada, and the Canadian should feel himself no stranger in England. It is impossible not sometimes to indulge in the belief—though circumstances at this moment are adverse—that such a great Confederation might even yet be achieved—a Confederation of which England might be the centre, and of which all the members would be bound to her by a tie which might go on for uncounted generations. What fatal policy is it then which tempts us deliberately and with our eyes open to throw all this to the winds—to abandon these sources if possible—and if possible then of incalculable—strength, and to allow this country to subside into the position of a second Holland? Canada, it is true, entails on us political responsibilities; but I believe that that great Dominion which Parliament three years ago built up was created in the interest of Canada, in the interest of England, and also in the interest of that great continent of which she forms a part. New Zealand also entails political difficulties on us; but a Minister must look beyond the present generation, and who can doubt that New Zealand, with her climate and her resources, is destined to be one of the future Englands of the southern sea? Australia I will not say entails any difficulty upon you, for it does not cost you a farthing; but Australia is interwoven with our Eastern trade, and if you would preserve that trade and retain the great commercial monopoly which you have now created for yourselves, is it not wise—is it not a matter of common prudence—to remain on the most friendly terms with Australia? I know it is sometimes said that if the Colonies go trade will remain exactly the same. But depend upon it trade flows greatly in the channels of political influence, and if you break off or impair your political connection with Australia, your commerce with it will inevitably suffer. Or is it fear of responsibilities that is governing your present policy? Is it fear in North America of the political liabilities to which you would be exposed? Is it some misgiving of yourselves and your own future conduct, if you come into disagreeable relations with the United States? If I thought that, I should say the feeling and spirit of this country had sunk very low indeed. God forbid that this country and the United States should ever be on other than terms of amity! God knows that no calamity could befall the whole civilized world greater than a collision between these two nations; but we gain nothing by shrinking from the expression of our own opinion—by surrendering the duty and rights which unquestionably belong to us, and, above all, by hesitating to do that which is right, and to which we are pledged in honour, towards our Canadian fellow-subjects. I say, then, if it is not fear of such responsibilities which is determining our course, is it—and that is the last supposition I can make—merely a question of expense? Is our object in the course we are adopting to make some miserable reduction financially, and is it for that purpose that we are jeopardizing our connection with the whole of our British North American Colonies? Now economy, no doubt, is extremely good—no man is more sensible of its merits than I am; but, after all, gold may sometimes be bought too dear, and he is not a prudent man who will not insure his house simply because he grudges the premium. The civil charges of the whole of our Colonies are so trifling—so insignificant, so absolutely trumpery—that they are not worth a moment's consideration. The military charges are the only real burden that can be said to weigh upon us;—and let me point out that they are not really a great burden to this country unless you propose to reduce largely your whole military establishment. If in recalling troops from Canada, you are prepared to strike those troops off the roll of the British Army, you of course effect a reduction. That is a very large question, on which I will not now enter; but I may say in passing that last year you struck off some 10,000 men; and that if this year, as it is rumoured, you strike off another 10,000, and find yourselves, as you probably will, without an adequate reserve, you place the fortunes of this country in a very critical position. The military organization for the defence of the Empire being now the main tie which binds the Colonies to us, I deeply regret, though on different grounds, the withdrawal of the troops, which I understand has been ordered from Australia and Canada. As long as the presence of troops in Colonies like Australia is not such in point of number as to weaken the resources of the mother Country—as long as their retention is not injurious to us—as long as the troops are placed under the control of the Crown—which I look upon as essential—and as long as the Colony is willing to pay its fair and reasonable quota towards their maintenance, so long it seems to me to be unwise and churlish to withdraw them from our Colonies in their present stage. Test the Australian Colonies by these conditions. The number of troops was not large, they were under the distinct control of the Crown, and the Colonies paid on a fixed scale of charges, which, after long negotiation, I drew up with the Australian Governments when Secretary of State. It had been a matter of negotiation with several successive Secretaries of State, and the scale as settled was as fair and handsome a contribution as under the circumstances we had a right to expect. I admit the troops were not necessary either for internal or external defence, such a handful of troops being barely sufficient for purposes of State display, to fire salutes, guards of honour, and such like; but they were an outward and visible sign of the presence of the Empire which the colonists deeply valued; they were the symbols of dominion and power, and they were not more than sufficient to give the colonists instruction in military discipline. In Victoria, for instance, there are several thousand men, armed, equipped, and officered, who are trained in a manner which would not only do no discredit to English Volunteers, but, I believe, superior even to English Volunteers, and it is impossible that they should learn their duty or get the tone and temper of military training if you strip the Colony of every British soldier. Possibly the noble Earl may remind me that when Secretary of State I withdrew the soldiers from the Cape. It is very true that I did so: but the reason was because their numbers were, as I conceived, far in excess of the necessities of the Colony, and because the Colony declined to make any payment on their account. That is not the case with the Australian Colonies; and, testing them by the conditions I have laid down, you will find that that withdrawal is not warranted by any sound argument. The case of Canada is a wholly different and, I am bound to say, a much more serious one. There you have a large territory confessedly lying open to attack, and you know that that attack, if ever made, will be made in great force. That territory has been held by the most competent judges to be capable of defence, and if there be a population pre-eminent in patrotism and in devotion to their soil and institutions and attachment to the mother Country, it is the people of Canada. And yet Her Majesty's Government, I regret to hear, have decided upon withdrawing all the troops from Canada. For a long time I could not believe such a decision, but I am afraid the noble Earl will confirm it. Those troops form the nucleus of the military force of the country—they form a centre round which the national levies can be grouped, and in time of war would be of great service: they are a standing school of instruction to the Canadian Volunteers. To put the whole matter in one word, their presence is the visible presence of the Empire, and their absence, whatever you may say, will be construed as the abandonment of the Empire. What excuse is there for the withdrawal of these troops? When I succeeded to the Colonial Office there were, I think, in British North America 11.000 or 12,000 English soldiers. Considerable danger from the Fenian aggression arose, and it was necessary, at much cost and trouble, to despatch a considerable force—far in excess, I readily admit, of the normal and necessary force. The noble Duke who succeeded me (the Duke of Buckingham), and whose absence to-night I regret, reduced it, and I doubt not, properly, to about 8,000; but I am sure it is not safe to go one man below that number. I understand, however, that last year it was again cut down by nearly 4,000, that there are now not much more than 3,000 in Canada, and that orders have been sent out, even against the strong opinion of the local Government, to withdraw every soldier. Now, if that be true, what does such a course really mean? I say nothing of what I must venture to call the extreme shabbiness of the policy. It was but three years ago that you built up this Dominion, and scarcely is it created that you heap upon it first one question and then another, which are really perhaps questions of Imperial concern—the Hudson's Bay territory question, the fisheries question, commercial relations with the United States, self-defence, the construction of fortifications —perhaps, for all I know, the San Juan question and British Columbia; and you say or imply that the sooner you wash your hands of the whole concern the better. Now, is this fair? Is this a policy worthy either of the noble Earl's position, of Her Majesty's Government, or of this great country? Look at what the Canadians have been and are doing, and at what we do. As far as I know, we pay absolutely nothing except some £4,000 or £5,000 with regard to the clergy, and I am not sure whether or not we have handed over to the Dominion the Indian reserves. If so, the total amount of our payments to Canada is about £5,000 a-year. We do not even grant them anything like a postal subsidy. More than that—until the present Government came into office, it was the custom, and a very right one, for a certain number of gunboats to be placed on the American lakes; but last year, I understand, they were taken off, and that means of defence, which cost us very little, which was very valuable and which can with great difficulty be undertaken by the Dominion Parliament, has been withdrawn and thrown upon them. In the same way we undertook, and still undertake, to superintend the fisheries—a most delicate question, as the noble Earl the Foreign Secretary well knows, between us and the United States, always liable to give rise to controversy—but, I understand, we have gradually shifted that duty, or a large part of it, on to the Canadians, and, not content with that, have accompanied it by instructions so hampering in their nature that it is absolutely impossible for the Canadian ships to do the duty assigned to them and to exercise the proper control. Thus we have done very little for Canada. On the other hand, what has Canada, or rather what has she not, done for herself? There was never a case where any country in time of peace has shown a more earnest, cheerful, and hearty spirit in their own self-defence than the Canadians. They used to pay, while our troops were there, for their whole barrack accommodation, and in the short space of two years they raised their military estimates by millions of dollars. They maintain an active militia, admirably armed and equipped, very fairly trained, and on which no reasonable trouble or expense is spared, of upwards of 40,000 men. Upon that they have spent nearly half a million of money. And, lastly, they have voted—and that is no trifling sum—£1,100,000 for the permanent fortifications and defences of Canada. Consider what a sum £1,100,000 is to Canada! There are not more than 4,000,000 of inhabitants altogether; therefore, in effect, each individual must have taxed himself upon the average to the extent of 5*s.* simply to provide these fortifications. I say, then, that we have no reason to complain of what Canada has done. But I ask your Lordships to consider whether this policy of withdrawal is not impolitic as well as shabby. You have yourselves laid out within the last few years £250,000 upon the defences of Quebec, and about £250,000 for the defences of Halifax. If British troops are to be withdrawn from Canada, what are you going to do with those fortifications —are you going to leave Quebec without a soldier? Having spent £250,000 of English money upon those fortifications, are you not going to leave a British soldier to keep guard over them? Are you going to keep Halifax? I presume you mean to do so; but do you flatter yourselves with the idea that, after withdrawing your garrisons from the whole of British North America, you can still retain Halifax for your own purposes? And can you then hope to retain the rest of your American dependencies? It is only necessary to state the proposition to show how utterly absurd it is. If you lose Halifax, you must also make up your mind to lose Bermuda, and with Bermuda go, for whatever they are worth, the West Indies. If you lose these, you will also lose all your Newfoundland seamen, and all that great tonnage which makes your commercial navy the first in the world. Your whole commerce on the eastern side of the continent of America will be shaken—possibly your whole commerce on the western side, towards China and Japan—possibly, even towards India, as an alternative route. You are going out of your way, as it seems to me, to pledge this country to the first step towards national decay. I say again your policy is dangerous. You are going to strip your Canadian Provinces of every man. Why? You are about to strip the Province of troops although you know that within the last six months you have had several attempts at Fenian outrage and invasion directed against the border. Some of these have been put down by the vigilance of the Canadian authorities; but nevertheless—

EARL GRANVILLE: Outrages?

THE EARL OF CARNARVON: I said attempted outrages.

EARL GRANVILLE: I have not heard of them.

THE EARL OF CARNARVON: I am afraid that, if the noble Earl will inquire, he will find that there is a good deal of truth in what I say. I will correct myself so far as to say that there have been distinct threatenings of Fenian invasion. I quite admit that they have not come to a head; but there have been distinct threatenings of Fenian outbreaks, and they have been simply put down by the vigilance and activity of the Canadian Government, and if made in force that Government would probably have needed the co-operation of Her Majesty's troops. But having withdrawn every British soldier, if these Fenian attacks take a more serious and larger form than has hitherto been the case, what will you do? Are you going to send back the troops at great trouble and expense? If so, it seems rather idle to bring them to England in the first instance, and then send them all the way back again to Canada. On the other hand, if you do not send them back again, are you going to leave Canada to shift for herself? On this point I hope we shall have a clear and explicit answer from the noble Earl. I hope that Her Majesty's Government are serious in the belief that the course they are now taking will not lead to the dismemberment of the Empire; but I warn them—as everyone who stands calmly and impartially by must warn them — that, whatever may be their meaning, they are doing the very acts, they are taking the very steps which must accomplish that result. It is very easy to utter fair words, to make speeches, and to use expressions flattering to Canada, or any other country; but men must be judged by their acts, and it is to the acts of Her Majesty's Government that we are compelled to look. It is but a few weeks since a Member of Her Majesty's Government, Mr. Forster, the Vice President of the Committee of Council for Education, made a very eloquent speech to his constituents at Bradford, and he is reported to have spoken as follows:—

> "I rejoice that this question has been brought forward, inasmuch as it has made it clear to me that neither in England nor in the Colonies do we intend that the Empire shall be broken up. It may be a dream, but still I believe in its fulfilment. I believe the time will come when, not only England and her Colonies, but all English-speaking nations, will enter into one great confederation."

EARL GRANVILLE: Before the noble Earl argues upon that let me remind him of the correction made by Mr. Forster—that he did not intend that observation to apply to the United States.

THE EARL OF CARNARVON: I am quite aware of it; but it does not apply to what I am about to say. I perfectly agree with the frank, earnest, and outspoken words of Mr. Forster, and I am quite sure he meant everything he said; but I am equally sure that if the present course of the Government be persisted in, his words will certainly be invested with an ominous significance—it will be a dream, indeed, and the British Empire will be broken up. In the same way, the noble Earl the Secretary of State told us the other night that it was absurd to ask him, or any other Minister, to say that he had not advised the Crown to dismember the Empire. Of course we all know the noble Earl would be as incapable of advising the Crown in that sense as the Crown would be incapable of listening to such advice. But I hope the noble Earl will speak more plainly than he spoke the other night, and will tell us, as Lord Palmerston told the House of Commons on a former occasion—that it was no Colonial question—it was an Imperial question, that every part of the Empire was equally dear to this country, and that this country, so long as the Colonies retained their affection and allegiance to the Crown, was prepared to submit to any sacrifices rather than submit to the dismemberment of the Empire. It is important that the noble Earl should now speak plainly. There are whispers abroad that there is a policy on foot to dismember this Empire. I cannot believe it, but it is said that such a policy exists. If there is such a policy, in God's name let us know it; if there be not, let it be disavowed. There have certainly been some confirmations of these rumours, of the force of which we are as capable of judging as anybody else. In the summer of last year the Governor General of Canada—and, in passing, I believe there never was a Governor General more deservedly popular than the present—attended a public meeting in Halifax, and there threw out, as was supposed at the time, an intimation that the time had possibly come, when Canada should consider whether or not she was ripe for independence. That unfortunate expression was received in a very different spirit from what many persons had supposed. It was met by a burst of almost passionate indignation, and Sir John Young took, I am happy to say, the very earliest opportunity of explaining that he had been misreported, and that the words attributed to him had altogether a different sense from that which he intended to express. From one point of view I regret that circumstance; from another I rejoice at it; but I shall be very glad to hear from the noble Earl whether any correspondence has passed between him and the Governor on the subject, and whether it is proposed to lay this on the table. The matter of the Red River Settlement is not one into which I wish now to enter; it is perhaps a small question; but I should be glad to know that Her Majesty's Government have not stood coldly aloof, but have offered their co-operation and in case of necessity have promised support. A few months ago a Petition was sent by certain residents in British Columbia to the President of the United States, and I must say that the despatch of the noble Earl upon that subject, which I have seen, I deeply regretted. For though the general purport of the despatch, as it would ordinarily be construed, was to express a wish on the part of Her Majesty's Government that British Columbia should enter the Dominion of Canada, its purport might lead many persons to infer from that despatch that Her Majesty's Government wished to wash their hands of British Columbia in the same way that they seemed desirous to wash their hands of a great many other matters.

EARL GRANVILLE: Will you quote the words?

THE EARL OF CARNARVON: I distinctly guarded myself by stating that I was referring to the general purport of the despatch. I have not the despatch by me now, but I shall be very happy to go into the question at any future day. These are all confirmations of the rumours that are afloat. One, two, or three of these circumstances by themselves might have little significance; but when they are all brought together and taken in conjunction with this policy for the withdrawal of troops at a time when Fenianism is making itself more or less felt—this withdrawal of troops, which are the symbol of authority and the guarantee of British support—they lend a confirmation to the whispers which are abroad. Five years ago—and in these times five years means a long period and many changes of opinion—a debate took place in the other House of Parliament about this time of the year. In that debate many Members of Her Majesty's Government took part; and a speech, which I well remember, was made by one noble Lord who now holds office in the House of Commons, and who then was in the Cabinet also. Speaking upon this very subject of Canadian defences, the question raised being whether or not a certain sum should be voted in aid of these fortifications, Lord Hartington said—

> "I need say nothing of those hon. Gentlemen who think that it is impossible to defend Canada, and that therefore it is impolitic to take any steps with that object in view. . . . That is an intelligible line of argument, and if the Committee thinks that the allegations upon which it is based are true, I hope it will say so at once, and will not wait to declare its opinions until we have induced the Canadians to spend a large amount of money and to raise a large body of men."

There was another important speaker in that debate—he was then Secretary for the Colonies, and is now Secretary for War; therefore, no man's opinions could be entitled to have greater weight than Mr. Cardwell's. Mr. Cardwell said—

> "I trust that the spirit to be found here will correspond with that which they have exhibited, and that, after we have been engaged for years in calling out the energies of the Canadian people, we shall not turn round on them at last and desire to recall the proposals which we have made."—

He goes on to say—

> "The primary defence of Canada consists in the knowledge of every foreign country that war with Canada implies also war with England; but the secondary defence of Canada is to be found in the spirit and energy of its own people."—

I entirely agree with every word of that extract, except that I think the right hon. Gentleman rather reversed the order, and that the secondary defence ought to have been put first. Lastly, Lord Palmerston, then at the head of the Government, winding up the debate and speaking for the Cabinet, of which, by the way, there are still some six or eight Members in the present Government, said—

> "This is not a Canadian, it is not a local, it is an Imperial question. We think we can, by the fortifications now proposed, put Canada into such a state of defence that, with the exertions of her own population, and assisted by the military force of this country, she will be able to defend herself from attack."

But, my Lords, there was another speaker during that debate, who was not then a Member of Her Majesty's Government, and at that time spoke from the back-Benches — Mr. Bright; and I must say, in passing, I deeply regret, widely as I differ from Mr. Bright, that at this moment he is unable to be in his place in Parliament at this important period—Mr. Bright said—

> "We are talking folly when we say that the Government of this country would send either ships or men to make an effectual defence of Canada against the power of the United States. . . . I do not object to separation in the least; I believe it would be better for us and better for them."

There was yet another Member of Her Majesty's present Government who spoke in that debate, and with remarkable power—I mean the present Chancellor of the Exchequer. Mr. Lowe said—

> "We ought, in my opinion, to tell Canada that we will defend her with all our strength, that we consider her interests bound up with ours, that we will fight for her to the last so long as she belongs to us, but that we see no chance of defending her on her own ground. If she chooses British connection she must take it subject to this condition. . . . We should also represent to her that it is perfectly open to her to establish herself as an independent republic. . . . It is our duty, too, to represent to her that if, after well-weighed consideration, she thinks it more to her interest to join the great American Republic itself, it is the duty of Canada to deliberate for her own interests and happiness."

Now, I ask your Lordships which of these three policies is most clearly shadowed out by the course now pursued by Her Majesty's Government—the policy advocated by Lord Hartington and Mr. Cardwell, and sanctioned so emphatically by Lord Palmerston; or that urged by Mr. Bright; or that recommended by Mr. Lowe? For myself, I must say I read with feelings of deep misgiving the course indicated by Mr. Lowe, which, as far as I can judge, seems to me to be carried out literally and completely; I trust the noble Earl may be able to dispel them. I do not complain of Mr. Bright or Mr. Lowe, or of their views; but I do say that it is too late now, for the honour of the country, to adopt that line of action. If the object of our whole national life is to become the mere workshop of the world, to give no hostages to Fortune, to run no risks, to incur no liabilities, but merely to accumulate money, well; but no nation, more than any individual, can afford to live a selfish life, wrapping itself up in its own miserable interests. If it does, it will inevitably come to disaster abroad and discredit at home—it will lose alike the respect of others and its own. If there is any lesson which we should draw from the loss of the United States, it is the misfortune of parting from those Colonies in ill-will and irritation. We parted with those great Colonies because we attempted to coerce them; and if we now part with our present Colonies, it will be because we expel them from our dominion. The circumstances are different, but the result will be the same; and that result must be the bitter alienation and undying enmity of these great countries. For my own part, I see with dismay the course which is now being taken—a course at once cheeseparing in point of economy and spendthrift in point of national character. I will be no party to it, and I beg to enter my humble and earnest protest against a course which I conceive to be ruinous to the honour and fatal to the best interests of the Empire.

EARL GRANVILLE: My Lords, in the first place I will appeal to your Lordships to follow the example of the noble Earl who has just spoken in one respect. I appeal to your Lordships whether the terms of the original Notice given by the noble Earl, to "call the attention of the House to the present relations of the Colonies with this Country," could have prepared your Lordships for the course of observation in which he has indulged. The Motion, as its terms originally stood, was a perfectly legitimate one — it was certainly large and comprehensive—so comprehensive that there was hardly a question in politics, in finance, in international and commercial policy, that could not be introduced in connection with it. The noble Earl rather confined it by his addition. On Thursday, by the courtesy which never abandons the noble Earl, although it may sometimes abandon me, he gave me private notice that he did not intend to allude to New Zealand in the course of this debate. Now, with reference to emigration and New Zealand, I think it my duty to appeal to those of your Lordships who might wish to introduce those special topics in this debate not to do so, but to take an early opportunity of calling attention to them —and the earliest possible opportunity will be most acceptable to me. In regard to that part of the subject, I cannot help thinking it is just possible that in avoiding New Zealand altogether the noble Earl was influenced by the extreme difficulty of making an invidious attack on the Government for its New Zealand policy, without exposing himself in more points than one to that most inconclusive and disagreeable process of reasoning called the *argumentum ad hominem.* With respect, my Lords, to the speech of the noble Earl, I must own to some slight embarrassment—first of all, because I am perfectly ignorant of certain facts alleged by the noble Earl, and in the next place, because the noble Earl's argument seemed to be an attack against some policy of mine, without in any way defining what that policy seemed to him to be. I certainly conceived that the noble Earl had been satisfied up to a very recent period with the relations between this country and the Colonies. The speech he made quite at the end of last Session contained not one word of attack on the colonial policy of the Government, such as we have recently heard so much of in Cannon Street and elsewhere. But it appears that the policy of the Government towards New Zealand has in the opinion of the noble Earl, placed the relations of England with her Colonies in a most unsatisfactory position—that our relations with our great self-governing communities have produced irritation and dissatisfaction. All I can say, my Lords, is, I am not aware of it. Your Lordships are aware of the circular issued by three gentlemen inviting to a colonial conference respecting the relations between the Colonies and the mother Country, and proposing something like the establishment of a universal college in regard to the Colonies. That proposal was based on the ground, as it was said, of the unsatisfactory state of those relations; and though, perhaps, it was not very happily launched, it received a good deal of approbation in this country. My noble Friend on the cross-Benches (Earl Grey) highly approves of the plan, though at the same time he has pointed out certain difficulties which to me appear insuperable. The proposal was sent out to every one of our self-governing communities. By a subsequent mail I sent out a short despatch giving the reasons why I thought the proposal was not a desirable one. Now, supposing that great discontent, great irritation, and great dissatisfaction at the relations of this country with the Colonies existed in each of those Colonies, and such an opportunity occurred for such a scheme being proposed, even though the Colonies did not approve of the exact character of the scheme, would not that proposal have been a spark of light to have fired up any amount of gunpowder, if such gunpowder existed? Is it not also quite clear, that if that state of dissatisfaction actually existed the very fact of an argumentative despatch from the Colonial Office, taking an opposite view, would have added fuel to the fire? There may, of course, be some evidence of a different character. One of the three gentlemen —Mr. Youl, who issued the circular, told me a few months ago that he had received a favourable answer from some of the Colonies to the proposition, and promised to forward it to me; but he has either forgotten the circumstance or has been prevented by press of business from doing so. All I can say is that without exception all the replies I have received either agree with the reasons which I set forth in my despatch, or give an absolute and decided negative to the proposal for a conference. Even New Zealand declined, taking the wiser and more judicious course of sending to this country two of its statesmen of high character and knowledge of the circumstances of the case. The noble Earl says that some of these Colonies do not approve the policy I have adopted towards New Zealand; but, finding fault with the policy adopted with regard to one single Colony, is a very different thing from finding fault with the relations between the mother Country and the whole of the Colonies. Now, I am not aware that any single self-governing Colony has anything like a grievance against us. Take Canada, for instance. Though there have been questions of great difficulty to consider, such as the transfer of the Hudson's Bay territory, and the Red River dispute; and, though there may be slight differences of opinion on certain small points, such as might arise at times between the Foreign Office and the Colonial Office, or the War Office and the India Office, yet is impossible to be in more cordial relations than we are with Canada; and I should like to know the time when our relations with the self-governing Colonies were more satisfactory than at present. Was it when the West Indies, experiencing alternate periods of prosperity and depression, were always complaining to the home country; or, when the state of disunion in Canada created alarm in this country; or when, twenty years ago, a letter was sent by Mr. Fitzgerald to Mr. Gibbon Wakefield, inviting the latter to come out to witness the historical event of the separation of Australia from this country, which, at that time, he thought imminent? The noble Earl, however, assuming the existence of an evil starts certain remedies. One great remedy is, that I should be more polite; and, in mentioning that, he paid me an undeserved compliment as to the usual urbanity of my manner. Now, I do not pretend to be more courteous, or to have a better temper than others, though I have made it my endeavour not to introduce unnecessary asperities or personalities in transacting business, either privately or publicly; but when the noble Earl says that the essence of politeness is not always to tell the truth, but to go on with a system of mutual deception, I entirely dissent from the opinion that that is a right way of dealing with our great self-governing Colonies. The noble Earl has found fault with a despatch of mine, because he thinks the logic in it unusually rigorous. I have looked once more through these despatches, and I do not find an uncivil phrase in anyone of them; and if logic is to be used at all, a little rigour is not, in my opinion, a bad thing. But, as last year, the noble Earl said that there was nothing the Colonies more disliked than the appearance of indifference, I conclude the best course to pursue in public as in private life is, when an appeal is made to any person, to give a true reply. One good suggestion of the noble Earl is one for a common coinage. As to that, I can only say I should be glad to have a common coinage, not alone for England and her colonies, but for the whole world. The noble Earl also suggested the drawing of a despatch to define in black and white the exact relations of the mother Country to the self-governing Colonies. I may be wrong, but I have great doubts whether such a proceeding would not have the effect rather of dissolving than of cementing the union. Would it not at once excite the greatest possible jealousy among the Colonies, and give rise to the greatest suspicion that we intended to take back from the Colonies some portion of that perfect freedom which has been granted to them? I do not agree with the noble Earl that the great bond between the Colonies and this country is the military protection afforded to the former; for I am of opinion that the ties which bind us together are loyalty to the Crown, goodwill between the colonies and the mother Country, and a reciprocity of mutual advantages. When this state of things shall cease to exist, the idea of compelling by force any great and self-governing Colony to remain connected with this country is an idea which no statesman would entertain; though no statesman should take too seriously any lightly expressed wish on the part of a Colony for separation from this country. The noble Earl, notwithstanding what he did himself, and what previous Secretaries for the Colonies have done, seems to think it a perfectly novel plan for Her Majesty's Government to throw more and more the burden of self-defence on those Colonies to which we have already accorded the most complete freedom and self-government. That, however, is no such novel thing, as the noble Earl seems to suppose. From the time that the policy of leaving the Colonies to undertake a larger share of their own defence than they had hitherto done was first introduced it has been followed almost without exception by every succeeding Government. All these things apart, I agree that a great Government like that of this country ought really to settle what their policy is, and to act upon it. The noble Earl thought it incumbent upon us even in time of peace to look to the defence of Canada. Now, I well remember Lord Palmerston asking General Wetherall what number of Imperial troops were necessary to defend Canada, with the help of the Canadians; and the answer was that it would require 15,000. I think there were 16,000 Imperial troops in Canada when the noble Earl came into office.

THE EARL OF CARNARVON: As I explained, I believe there were about 12,000, and 4,000 were added in consequence of the Fenian movement.

EARL GRANVILLE: Well, the noble Earl first diminished the number of troops below that which was said to be the smallest number that ought to be there, and then further diminutions were agreed upon by the late Conservative Government. The policy of reduction thus initiated by the late Government has been continued by us, and last year we continued it still further, having first taken care to give the Government of the Dominion fair notice that a very short time would elapse before we should carry out that policy to the fullest extent. It would be out of place for me now to anticipate any statement with regard to the distribution of troops which will be made in a few days by the Secretary for War in moving the Army Estimates; but I quite admit that the general tendency of our policy is to devolve on a country like Canada, containing 4,000,000 of brave and spirited people, the duty of self-defence in time of peace. The noble Earl has dwelt upon the very common topic that we shall take away a most important military nucleus, and that two or three highly-trained regiments leaven all the rest. I have no doubt that within certain limits there is truth in that. No doubt, if a war were impending, and it was necessary to drill and organize a force in two or three months, two or three regiments of the Guards in Canada would prove invaluable; but in the long run I have much doubt whether such a nucleus is of real advantage in calling out the warlike capabilities of a great Colony. If we accustom the people to rely upon others for the focus and head of an army, and relieve them of a duty so easy as that of garrisoning such a fortress as Quebec, we do not strengthen, we invalidate the power they would be able to bring to our assistance in case of a war which might required all our combined energies to bring to a successful issue. A Committee of the House of Commons sat upon this subject in 1861, and the two principal recommendations at which they arrived were that the Colonies should bear the burden of their military self-defence, that we should concentrate our military forces at home, and that, for the protection of our enormous colonial Empire, our main reliance must be upon our maritime supremacy. My Lords, it is not a little astonishing that some of the persons who have recently been discussing our colonial policy, have predicted, under certain circumstances, the decline of this country. I confess, for myself, that I have not imagination sufficient to realize that vision. I see on all sides evidences of a very contrary character. Our population continues to grow to an extent that almost alarms me; our national wealth, in spite of periods of ebb and flow, increases steadily in a marvellous degree; our institutions are all cordially approved, and each successive improvement, as it is made, is cordially accepted by the whole community. As to our mercantile marine, it is infinitely larger and better in quality than that of any other nation in the world at the present time; and I am glad to say—I trust in no spirit of braggadocio—that our military marine is superior to that of every nation in the world. Now, the recommendations of the Committee to which I have referred were, as I have said, to concentrate the Army at home, to throw upon those great and free Colonies the main burden and responsibility of their self-defence, and if war should come, to trust chiefly to our maritime supremacy, without which, indeed, it would be clearly impossible for us to maintain the conflict; and I believe that these recommendations are not unwise. With regard to the Dominion there are, no doubt, many thoughtful men, statesmen and speculative persons who, after deeply meditating the subject, have come to the conclusion that in course of time a perfectly friendly separation should take place between England and Canada rather than that the Dominion should assert its independence; but my firm belief is that at this moment a great majority of all the people of this country, and perhaps a still greater majority of the people of the Dominion, desire that the connection should be continued. The noble Earl seems to think that the withdrawal of 2,000 or 3,000 soldiers from the Dominion would be sufficient to destroy those strong feelings of attachment which now exist between the two countries. My Lords, as regards this country I have no doubt that step will strengthen rather than weaken that feeling. In a speech of last year the noble Earl mentioned three ways in which Imperial troops might be kept in our Colonies, and he frankly said that he objected to them all. First he said that Imperial troops might be maintained in the Colonies either at the orders and expense of the Imperial Government, which he deprecated; secondly, at the expense of the Imperial Government, and subject to local control, which was still worse; or under a sort of double command, in which the two parties were united, or disunited, which in the noble Earl's opinion was the most objectionable plan of all. I thought at first that these three were all the possible courses; but there is another alternative, and that is, keeping our troops in the Colony at the expense of the Colony, and retaining the command of them ourselves. I cannot help thinking that such a system would be one of the most likely causes of wrangling and quarrelling between a great self-governing Colony and this Country that the colonists should pay for the troops, and that on the occurrence of any great local emergency — created possibly by their own want of prudence and foresight— they should be denied the use of the Imperial soldiers whom they had maintained for years. I believe one of the most fruitful causes of difficulty with the Colonies has been the necessity of arranging with them about troops; and nothing is more likely to increase difficulty than to adopt as permanent the system of retaining troops in the Colonies which we are to command while the Colonies bear the burden of their cost. The noble Earl said the Government of the Dominion strongly objected to any such course as our withdrawing the troops, not from Halifax but from other portions of the Dominion; but I have not heard of the Government of the Dominion expressing any such objection. I do, indeed, know that the first expression of popular opinion pointed, perhaps, in that direction; but I have received no information that the Government of the Dominion adopted the same view, or have expressed a strong opinion on the subject. The intention of the Colonial Office was clearly pointed out to them in the communications published last year; they have not protested against it and I think it extremely unlikely that we shall have any protest from them. My Lords, the governing men of the Dominion are statesmen—men of considerable pride, possibly not without ambition; they are proud of the nation into which they have been so recently created—and in the creation of which, let me say, the noble Earl opposite bears so large a share; and they are still more proud of the great future that lies before it; and they feel that they can do what the American colonists did in the last century, when, with the Spaniard on one side and the French on the other, and the whole burden of internal as well as external defence thrown upon them, they stood their ground successfully. The men of Canada believe that they could do the same should it become necessary. My Lords, without repeating that sort of debtor and creditor account which the noble Earl gave—with many particulars of which, should they be gone into, I am sorry to say I cannot agree — without entering into these details, they can say with perfect truth—" We have created a militia force of 40,000 men, available almost at a day's notice; and we can bring 500,000 able-bodied men into the field in case real need for their services should arise." My Lords, the noble Earl in the course of his speech, warned us not to be animated by any pusillanimous fears of the Great Republic. Now, I believe at the present moment the wish of that Great Republic is to see Canada either independent, or—what they think would soon follow—annexed to the United States. But, even putting aside for the moment all questions of international justice, and putting also aside the difficulties of attempting to subjugate a brave and spirited population of 4,000,000—leaving those considerations on one side, I do not believe that, except in the case of a few rash and thoughtless men, the Americans at all entertain the wish to conquer the Canadas by force of arms. What they rely on is rather the pressure of a hostile tariff and the attractions of commercial and industrial intercourse, the mingling and commingling of the two great communities that are separated by the frontier line. But I will also say that if the United States are not deterred in any scheme of conquest against Canada by the fear of all the latent power which this country, in the case of an emergency, could bring to bear in defence of the Dominion, they would certainly not be alarmed or deterred by the presence of some two or three thousand red-coats—which, indeed, would rather excite them, as a red flag excites a bull, than exercise any deterrent or preventive influence. My Lords, I believe that the Canadian Government will accept the measure we have adopted in exactly the spirit in which it is intended. I believe they will understand that it is not a measure exclusively directed against the Dominion, but that it is based on principles which we think ought to be applicable to all our self-governing dependencies; and I believe they will accept the assurance which has been so often given, that this arrangement is one intended solely for a time of peace, and does not in the slightest degree alter or diminish the mutual obligations which exist between the Colony and the mother Country in case of war.

LORD LYTTELTON: My Lords, I wish to express my general agreement with the views of my noble Friend (the Earl of Carnarvon) on this question though, at the same time, like the Secretary of State, I am not aware of the exactness of one important statement on which my noble Friend's argument was based—I mean the great dissatisfaction which he says exists among the Colonies generally. We are all aware that that is so, or was so, a short time ago in New Zealand; but in other Colonies—Australia especially—I have not met with any evidence of the existence of such a feeling as my noble Friend alleges. With regard to New Zealand, I will abstain, as requested by the Secretary of State, from discussing the affairs of that Colony, in which I take so much interest. I agree with my noble Friend opposite in regretting the tone of one or two of the despatches of the Secretary of State; but I will say that if the reply of my noble Friend (Earl Granville) to a certain deputation which waited upon him at the Colonial Office be correctly reported in the newspapers, I wish that all his despatches to the Colony had maintained the same tone, for in that case there would have been very little ground for complaint. Though not over sanguine on the subject, I trust that, from the recent accounts which have reached us as to the reception of the despatch of the Secretary of State, and as to the condition of the Colony generally, we have some valid ground for believing that the future of the Colony will be more satisfactory than its past. With the exception of New Zealand, I am not aware that in any other Colony there has been dissatisfaction or alienation from this country. However, the correctness of that statement is not necessary to support the basis on which the views of my noble Friend rested; and, on the whole, I believe them to be correct. I go further than he did, and regret that some means have not been found of securing something equivalent to a conference—some means of eliciting the opinion of the Colonies as to whether something might not be done to obtain a general union of Imperial interests over the whole of our possessions. If the Secretary of State had not deprecated discussion on that point also, I should have been glad to know what reply was given to a memorial lately signed for presentation to the Queen by a large number of working men in London, praying that something should be done to facilitate their emigration, in time of distress and difficulty, to distant parts of the Empire. I should have been glad if something could have been done to encourage these men by the reception given to their Address. As to the question of military defence I take the same view generally which my noble Friend (the Earl of Carnarvon) took, and I am glad that he had the courage to despise the sneers which are often made at what is called the sentimental argument from the prestige of the presence of British soldiers in the Colonies as a symbol of the British Empire, and of the ties which unite this country with her Colonies. Fully admitting that in time of danger the chief defence of our Empire must rest upon our naval supremacy, I still attach great weight to the presence of British soldiers in all our Colonies as a bond to strengthen the existing connection; nor do I conceive that such presence necessarily takes away from them the duty of self-defence. If the Colonies choose to pay for British soldiers—and I think they ought to pay, if not the whole cost, at least very nearly the whole—it is for them to decide whether it is advisable to do so; and provided they think it worth while for purposes of prestige or defence to have British troops they ought to be allowed to have them. With regard to the dilemma which, according to the Secretary of State, cannot be answered, I think the simple answer is that if the Colonies pay for our troops, they should have the control of them. The point is one for the consideration of the colonists themselves, and, if they desire it, I do not see why they should be deprived of what they think a valuable military nucleus, nor why they should not have the control of the force the cost of whose maintenance they defray. I have not yet heard the actual measare proposed respecting Canada, but I shall regret if the whole of our troops are to be withdrawn.

Viscount MONCK: My Lords, it is not possible to overrate the importance of the subject introduced by the noble Earl (the Earl of Carnarvon), and though I am unable to arrive at the same conclusions upon several of the propositions he has submitted, and though I differ *toto cœlo* as to the policy we should pursue and the objects we should propose to ourselves in connection with the colonies, I think the noble Earl has done good service in enabling your Lordships to discuss the subject. Now, it is very easy to get up a cry against anyone who advocates an unpopular opinion on this subject, founded on the imputation that you mean to "dismember the Empire" or that you desire to "cast off the Colonies." With regard to the dismemberment of the Empire, I hope I shall not shock the susceptibilities of noble Lords—I shall certainly not shock the sensibilities of the noble Earl who introduced this Motion—by saying that the dismemberment of the Empire has virtually already occurred; because the noble Earl in the early part of his speech himself said that the connection between England and her Colonies is a name rather than a reality. As to casting off the Colonies I should be the last person to say one word disrespectful of or derogatory to, the Colonies of this country. I have had official experience of one of the largest Colonies of the British Crown, and I can say with truth that I found in their Legislative Assemblies an offspring of which the mother of Parliaments has no need to be ashamed, and I found among her public men statesmen, worthy successors of that long line of illustrious persons who have brought the policy of England to its present eminence of power and prosperity. I have discussed these questions with these men fully and frankly, and I have never found that any evil results, either public or personal, arose from such a free and full interchange of opinion between them and myself on such points. I have, therefore, no fear that the free discussion of this subject will create any ill-feeling or do anything but good; at all events in the Dominion. On the other hand, I think there is some danger in our retaining the forms, the theories, and the language of a system which has been exploded and has passed away for ever, and to reproduce which, the noble Earl himself admits, would be a most visionary project—I mean that system under which the Home Government exercised coercive control over our colonial dependencies. I confess that I listened with considerable interest to the early part of the speech of the noble Earl. He began by admitting that the present state of our relations with the Colonies was unsatisfactory; he proceeded to discuss the several propositions that ought to be made for amending those relations; he turned one of them after the other, so to speak, inside out, and demonstrated its futility, and I listened with some interest to what was to come. But there the noble Earl disappointed me, for he appeared to have nothing to propose. Now, I hope he will not consider me offensive if I say that I think it is rather a lame and impotent conclusion to propose to consolidate our great Colonies by what my noble Friend has said amounted to a universal college. I have had the honour of serving under the noble Earl when he was at the head of the Colonial Office, and I am sure that if anybody could discover a solution of the difficulty by which the question is beset the noble Earl would have done so while he presided over that Department. That the noble Earl was unable to do so is to my mind a sufficient argument to show that the views which I entertain on the subject, and which I am about to express, are correct. But, my Lords, before I proceed to give expression to those views I wish to be allowed to address myself for a moment to the military part of the question. The noble Earl quite accurately stated that the number of troops in Canada was increased very shortly after I came into office, and at my instance. Now, inasmuch as the application which I then made to the noble Earl might seem to be in contradiction to the opinions which I desire to lay before the House, I am anxious to be allowed to say a few words on that point. The application was made immediately after the well-known Fenian raid had occurred, and at a period when the events of the Prussian War had just demonstrated the utter inefficiency of muzzle as compared with breech-loading arms. The colonists entertained a notion that the Fenians were all armed with breech-loaders, and a considerable panic prevailed, and it was for the purpose of allaying this panic and restoring confidence, that after consultation with Sir John Michel, the Commander-in-Chief in Canada, that I applied to the noble Earl for that assistance which he so speedily and so willingly afforded. Such, however, was the effect produced in Canada by the news that additional troops were about to be sent out that I found myself, when the regiments reached the St. Lawrence, in a position to spare one of the regiments and send it to another Colony without landing. There was no inconsistency on my part, therefore, in having made the application to which the noble Earl referred, while I regard the withdrawal of the troops from the Colonies, as has been proposed by the present Government, as a measure of sound policy, and the only one consistent with the proper re-organization of our military department. But, setting aside the military considerations connected with the subject, I am anxious to say a few words on the relations between ourselves and our Colonies. The noble Earl who introduced this Motion looks upon the state of those relations as not satisfactory. He was met by the noble Earl the Secretary of State, who regards it as eminently satisfactory, because the Colonies do not complain. "Small blame to them," to use a phrase common on my side of the Channel, if they do not complain, since they are allowed complete freedom in the management of their own affairs, and we allow them to tax our merchandise while we manage for them their diplomatic relations and protect them in time of war. If they were to complain under such circumstances they would, I think, be most unreasonable. But this kind of halcyon days will not last for ever. If some such question as the fishery question were to arise it might speedily be disturbed. The noble Earl's speech seemed to be founded on some such text as "an Empire on which the sun never sets." But was there a single word, I should like to know, in the speech of the noble Earl opposite to prove that it is the interest, either of the Colonies and of the mother Country, that the connection between them should always continue? On that point I should like to read to the House the opinion of one of the highest authorities on a question of the kind whom I have ever known—the late Sir George Lewis, who was not more remarkable for his large stores of acquired information than for his peculiarly judicial mind. Sir George Lewis, writing about thirty years ago on the *Government of Dependencies*, mentioned the different advantages which might accrue from the adoption of the dominant system by a nation over its Colonies. The first advantage, he said, was the raising of tribute; the second, assistance for naval and military purposes; the third, advantages of trade; fourth, facilities for emigration; fifth, transportation of convicts; and lastly, the glory of possessing dependencies. Sir George Lewis, however, went on to say—

> "A nation derives no true glory from any possession which produces no assignable advantage

> to itself or to other communities. If a country possesses a dependency from which it derives no public revenue, no military or naval strength, and no commercial advantages or facilities for emigration which it would not equally enjoy though the dependency were independent, such a possession cannot justly be called glorious."

Now, the system on which the relations between the Colonies and the mother Country is at present based is, in my opinion, not less inconvenient to them than it is to ourselves. They no doubt deserve pecuniary advantages from the connection, but it is, I think, purchased at the expense of future evil consequences. The noble Earl opposite (the Earl of Carnarvon) admits that it is quite possible a separation between us and our Colonies may occur. But if that event may occur in the future, is it not, I would ask, our bounden duty so to shape our policy that when the separation actually does come about the colonists shall be enabled to maintain themselves in a position of independency, and that it should be unaccompanied by any ill feeling on either side? As long as fair weather lasts we shall get on very well; but if a time should arrive when the Colonies take a different view of the connection from that of the home Government, that will arise which arose in the case of the United States. It is quite true that so long as the Colonies form a portion of the Empire we are bound to defend them in time of war; but there is a correlative disadvantage to them, because if they enjoy our protection in time of war they are always liable to the disadvantage arising from our entering into hostilities. I think I have shown upon authority which satisfied my mind that there is very little gain to this country from maintaining the connection with the Colonies, and I think I have also shown that there are some prospective disadvantages in maintaining the Imperial connection with them. I will venture to read another passage from the same work of Sir George Lewis, which embodies the policy that ought, in my opinion, to be followed by this country with regard to its Colonies—

> "If a dominant country understood the true nature of the advantages arising from the relation of supremacy and dependence to the related communities, it would voluntarily recognize the legal independence of such of its dependencies as were fit for independence; it would, by its political arrangements, study to prepare for independence those which were still unable to stand alone, and it would seek to promote colonization for the purpose of extending its trade rather than its Empire, and without attempting to maintain the dependence of its Colonies beyond the time when they need its protection."

It may be said undoubtedly that my argument rests solely on material considerations, and that I omit all considerations respecting that sentiment or affection towards England which I know, at all events, animates one of our great Colonies. My Lords, I have no such intention; I would wish to cultivate that sentiment and affection for Britain and Britain's interests to which allusion has been already made. And I do not think it was a poet's dream which was present to the mind of my right hon. Friend the Vice President of the Council when he stated that at some future and not distant period he hoped to see all the members of the great Anglo-Saxon race brought together into one union, connected not by compulsory ties but by those of common origin, community of sentiment, and identity of interests. That is the direction in which my aspirations also tend. But before you can bring about that state of things you must produce a state of relations between the mother Country and the Colonies, clear, on the one hand, from any hereditary claim for protection, and, on the other, from any desire to control or rule. I believe—although more or less that policy has been disadvowed by the Government—the tendency of what they are doing is in that direction. That is my belief; it is for that reason that I give them my hearty support; and I hope that no opposition will induce them to depart from such a course.

THE EARL OF DERBY: I do not rise, my Lords, for the purpose of prolonging the controversy which has arisen between my noble Friend (the Earl of Carnarvon) and the noble Earl opposite. I merely wish to point out that my noble Friend has, as it seems to me, entirely accomplished the object with which he brought this matter before the House. Because, whatever may be the opinions which we may individually hold on various points on which my noble Friend and the noble Earl opposite have expressed different ideas, he has succeeded in eliciting from the noble Earl, speaking as the head of the Colonial Department and as the representative of the Government in this House, a distinct and unequivocal declaration that whatever may have been the reasons, either fiscal or military, which caused, and which very possibly—for I am not arguing that—may have justified, the withdrawal from Canada of the greater portion of the troops maintained there in time of peace—whatever those reasons may have been, the noble Earl has distinctly informed us that nothing that has been done or said by him should be held to weaken the obligation of honour and of duty under which this country lies to take its part in defence of the Colonies, if, unhappily, necessity should arise. Now, that is a statement on the part of the noble Earl which is, I think, an answer to any misapprehensions that may have arisen out-of-doors: and that some misapprehensions have arisen—perhaps from the casual and not well-considered utterances of eminent men—there cannot be a doubt. If no other result had followed from this discussion than eliciting that statement from the noble Earl, I think my noble Friend would have done good service in bringing forward this question. There is only one other remark I wish to make, and that has been partially anticipated by the noble Viscount who has just preceded me (Viscount Monck). I am inclined to agree with what was said by the noble Earl (Earl Granville) that, looking to the state of things that exist now, in a time of profound peace, the relations between the mother Country and the Colonies are not, on the whole, unsatisfactory. The Colonies, speaking generally, have nothing to complain of. They are entitled to look to us for naval and military protection, and at the same time we extend to them such absolute internal independence that, if they like to do so, they can protect their home industry against the admission of our manufactures, and to a great extent even exclude emigrants from this country. I do not think therefore that in the present state of things, or in any state of things like the present, much difficulty is likely to arise; but we have this to bear in mind, that we cannot expect a state of peace always to continue; and that the real difficulty will arise whenever it shall become our misfortune to be involved in hostilities. Take, for instance, the case of Australia. The ties between this country and Australia are undoubtedly strong enough to all appearance, and I believe strong enough in reality. But we know, nevertheless, that under present circumstances there is no strain whatever upon them. The strain would arise if we unfortunately became involved in some great European quarrel, and if, as the consequence of that quarrel, the Australian colonists found that their commerce was interrupted, that they were suffering heavy losses, and were obliged to put themselves in an attitude of defence, and all this on account of some dispute in Europe about which they neither knew nor cared. That is a state of things which, if it ever arises, may lead many of the colonists to take a view which they do not take now as to the greater advantages of a position of independence and of neutrality. That I look upon as being the danger of the future, the "rock ahead" as regards the maintenance of the Empire as a whole. I do not say that it is a state of things for which I have any remedy to propose, but it is at least something to see whence a danger is likely to arise, and not to be taken unprepared, as unfortunately has been very much an English habit of late in reference to many foreign and colonial questions.

LORD LYVEDEN said, he could not share the surprise of the noble Earl (the Earl of Carnarvon) that the Government did not introduce into the Speech from the Throne any special mention of the relations existing with the Colonies, and he could not help thinking that the noble Earl had been mistaken in supposing that the interest taken in colonial affairs was second only to that felt in the land question of Ireland. He believed that what interest had been of late manifested in colonial affairs chiefly arose from the fact that the noble Earl opposite, finding himself at a loss for that occupation and excitement which were so agreeable to him and so useful in political affairs, chose to write an able letter to *The Times* on the subject of the Colonies, and that another and still more energetic Earl. who sat on the cross-benches (Earl Grey), followed suit with a further letter. *The Times* newspaper, being in great distress for something to say during the Recess, took up the question and argued upon it; but the majority of readers, no doubt, threw away the paper, and said—"What a dull subject this!" or turned afresh to the land question of Ireland, or some other inviting topic. Not content, however, with writing to the papers, the noble Earl has let fall a shower of reproaches upon the noble Earl the Secretary of State for the Colonies. He was in some places accused of having written a letter which was "the perfection of official rudeness." That certainly was not the style by which that noble Earl was best known, and the question might fairly be asked—if the noble Earl's letters were the perfection of official rudeness, where were they to look for the perfection of official courtesy? He did not agree with the noble Earl who had just sat down (the Earl of Derby), that the debate had been a very useful one. Debates on colonial subjects which led to no practical result, and only drew from different speakers the expression of conflicting opinions, were, he thought, irritating to the Colonies. The noble Earl (the Earl of Carnarvon) had said that there was nothing the Colonies disliked so much as indifference; but they certainly did not more like being told that the minds of statesmen in this country were unsettled as to political affairs—that one political party thought one thing, and that another thought quite differently—until, at last, the minds of the colonists became distracted, and were turned away from their natural allegiance to this country. As regarded the debate itself, he confessed that he had been rather disappointed. Like most other noble Lords, he had come down expecting to find that the two subjects uppermost in men's minds at the present moment in connection with any mention of the Colonies—that was to say, the subjects of New Zealand and emigration—would be discussed. But both these had been struck out from their consideration, and the debate had been conducted rather in the tone of a debating society than of a practical discussion befitting that Assembly. The noble Earl, no doubt, had made an interesting and instructive speech; but what result could follow from it? His noble Friend who followed (Earl Granville), could not be expected to lay down a policy to be observed by all the Colonies; but he had replied in a becoming spirit to the Motion, and he (Lord Lyveden) gave his cordial support to the course which his noble Friend had taken in this instance with increased pleasure, because he had been compelled, on some previous occasions, to differ from the policy of the Government. As to the imputation that the noble Earl had written hastily to the Colonies, it was plainly his duty, on acceding to office, not to let a mail go out without announcing, in the clearest manner, his determination to give effect to what had been the intentions of the noble Duke (the Duke of Buckingham), his predecessor. With regard to the question of Canada, he could simply re-echo the opinions of the noble Viscount (Viscount Monck) near him. Those opinions he had always entertained—even when he was in the Colonial Office, in 1841, when Ministries were overthrown on colonial questions. His opinion was that it was almost impossible to defend Canada, in which he was borne out by the opinion of Major Jervis, who reported to the Government in 1866. They might have troops there if they pleased, but British troops in Canada would only be an invitation to attack; for the United States would have no interest in attacking Canada unless they desired to insult us, and were prepared to go to war with us. He sincerely believed they were not so disposed; but the presence of our troops in Canada was rather a temptation to attack than a source of defence to the Colony. Once declare that Canada must defend itself, and they would hear no more of attacks upon that country. So also in New Zealand; there would be no difficulty in putting an end to the squabbles with the natives if the English troops were withdrawn. He did not go the length of saying that separation should be immediate. He thought any Minister who forced a separation would be most guilty and criminal; but, on the other hand, the Minister who did not look forward to separation as possible would be unwise and impolitic. When they talked of the value of these Colonies, they must recollect that Her Majesty's property in them had been given up—transportation had been abandoned, even grants of land could not be given without the consent of the Colonies. No property there belonged to us in the sense of control, alienation, or distribution. There was nothing that we could do in the Colonies without the consent of the Colonies, and which could not be done just as well without us as with us. The question of Canada was no new question. The noble Earl talked of the readiness of the Canadians to make sacrifices in the Imperial interest. Their affection for this country was undeniable; but he must doubt their readiness to make what were called sacrifices when they would neither pay for our troops nor allow our goods to enter their ports duty free. He only hoped when the time for separation did come, we should part with them as friends and allies, and not, as with the United States, as enemies. He objected to the Motion of the noble Earl because, with all deference to him, there never was a time when there was less colonial controversy than at present; in fact, there was absolutely none.

Then Correspondence respecting a proposed conference of Colonial Representatives in London: *Presented* (by command), and ordered to lie on the Table.

SUNDAY TRADING BILL [H.L.]

A Bill to amend the Law relating to selling and hawking and delivering Goods on the Lord's Day, commonly called Sunday—Was *presented* by The Lord CHELMSFORD; read 1ª. (No. 5.)

OFFICE OF THE CLERK OF THE PARLIAMENTS AND OFFICE OF THE GENTLEMAN USHER OF THE BLACK ROD.

Select Committee on, *appointed* and *nominated:* The Lords following were named of the Committee:—

Ld. Chancellor
Ld. President
Ld. Privy Seal
D. Richmond
M. Lansdowne
M. Salisbury
M. Bath
E. Devon
E. Tankerville
E. Carnarvon
E. Malmesbury
E. Granville
Ld. Chamberlain
V. Hawarden
V. Eversley
Ld. Steward
L. Willoughby de Eresby
L. Colville of Culross
L. Redesdale
L. Colchester
L. Cairns

House adjourned at a quarter past Eight o'clock, till To-morrow, half past Ten o'clock.

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HOUSE OF COMMONS,

Monday, 14th February, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* Waterford City, *v.* Sir Henry Winston Barron, void Election.

SELECT COMMITTEE—Poor Law (Scotland), *appointed;* Diplomatic and Consular Services, *appointed.*

PUBLIC BILLS—*Resolutions in Committee*—Pilotage; Merchant Shipping.

Resolutions reported—National Debt.

Ordered—Representation of the People Acts Amendment.*

Ordered — First Reading — Evidence Further Amendment Act (1869) Amendment* [20]; National Debt (Consolidation and Dividends)* [21]; Married Women's Property (No. 2) [22]; Ballot [23]; Merchant Shipping [24]; Pilotage* [25]; Provisional Orders Bills (Committees) [19]; Party Processions (Ireland)* [26]; East India (Laws and Regulations)* [27].

IRELAND—OCCUPATION OF LAND.

QUESTION.

MR. GATHORNE HARDY said, he would beg to ask the Chief Secretary for Ireland, Whether the Government have during the Recess circulated queries relating to the occupation of land to the several Poor Law Unions in Ireland; and, if so, whether they will lay such queries and the answers before the House?

MR. CHICHESTER FORTESCUE, in reply, said, that certain Returns had been made to the Government by the Poor Law Inspectors, and they would be laid upon the table of the House at once.

INDIA—BANK OF BENGAL AGENCY AT BOMBAY.—QUESTION.

MR. GILPIN said, he would beg to ask the Under Secretary of State for India, Whether the Secretary of State for India has given any instructions to the Government of India as to the withdrawal of the agency of the Bank of Bengal, established at Bombay; whether any communication has been received from that Government in reply; and whether such reply indicates that the agency would be withdrawn?

MR. GRANT DUFF: Sir, in reply to my hon. Friend's first Question, I have to say that the Secretary of State for India, in conformity with the view which has all along been taken by the Home authorities, did, on the 20th day of May last, address a despatch to the Government of India, directing it to use its utmost influence to induce the Bank of Bengal to withdraw its agency from Bombay. In reply to his second and third Questions, I have to say that we have received communications from the Government of India which indicate that the Bank of Bengal declines to withdraw its Bombay agency.

PRINT WORKS ACT, &c.—QUESTION.

Mr. E. POTTER said, he would beg to ask the Secretary of State for the Home Department, If he intends to bring in a Bill for the amendment of the Print Works Act and the Bleaching and Dyeing Works Acts?

Mr. BRUCE, in reply, said, his hon. Friend the Under Secretary of State, would, in a few days, ask for leave to bring in a Bill on the subject.

WORKSHOPS REGULATION ACT.
QUESTION.

Mr. E. POTTER said, he would beg to ask the Secretary of State for the Home Department, If he intends to bring in a Bill for the amendment of the Workshops Regulation Bill?

Mr. BRUCE, in reply, said, he could not deny that the Act was one which required amendment; at the same time, the more he reflected on it the more expedient it appeared to consider it in conjuction with the Factory Acts. As the matter was one that required a great deal of attention, the Government had not, up to the present, been able to devote to it the necessary time. He should be sorry to return an absolute negative to the Question, but he was not able to give a positive promise.

Afterwards—

Mr. AKROYD said, he would beg to ask the Secretary of State for the Home Department, Whether it is his intention to bring in, during the present Session, a Bill to assimilate the Factory Extension Act and the Workshops Regulation Act, or to enforce the administration of the Workshops Regulation Act in districts where the local authorities refuse to do so?

Mr. BRUCE, in reply, said, that he would willingly enforce the administration of the Workshops Regulation Act in districts where the local authorities refused to do so, but he was not aware that the Act gave him the power of doing so.

IRELAND—THE CONSTABULARY.
QUESTION.

Mr. STACPOOLE said, he would beg to ask the Chief Secretary for Ireland, If any and what alterations are to be made in the organization of the Constabulary Force of Ireland, and why the vacant cadetships have not been filled up?

Mr. CHICHESTER FORTESCUE, in reply, said, that certain alterations, by no means of an essential character, but relating to minor points, had for some time been under consideration. There were questions between the Irish Government and the Treasury which were now on the point of being brought to a conclusion. He believed that what had called the attention of the hon. Member to the matter was that a certain number of vacancies had not been filled up. He could assure his hon. Friend, however, that there was no occasion for anxiety on the score of any public interests involved. All that had been done was by the recommendation of the Inspector General of Irish Constabulary.

PARLIAMENT—CRYPT OF ST. STEPHEN'S.—QUESTION.

Lord ERNEST BRUCE said, he would beg to ask the First Lord of the Treasury, Whether some arrangement could be made for the celebration of Divine Service in the Crypt of St. Stephen's, now perfectly ready for that purpose, once on Sundays during the Session of Parliament?

Mr. GLADSTONE: I believe, Sir, my noble Friend is perfectly right in his statement, that the crypt of St. Stephen's has been prepared at a considerable expense for the celebration of Divine service. But with regard to the arrangements for that purpose the Government consider that it rather rests with the House of Commons itself than with them to take the initiative. Consequently, I do not think we should be prepared to make any proposition on this subject until multiplied indications, like that just given, lead us to believe that it would be in conformity with the general wish of the House.

METROPOLIS—THE SERPENTINE.
QUESTION.

Mr. DYCE NICOL said, he would beg to ask the First Commissioner of Works, Whether the levelling and purification of the Serpentine are being done by contract; and, if so, what date is fixed for the completion of these works?

MR. AYRTON said, the work was being carried on under a contract, which provided that it should be completed by the 15th of April next, provided there was no interruption from severity of weather or any other unavoidable cause, of which the Government engineer in charge of the work was to be the judge.

CAB REGULATIONS.—QUESTION.

MR. BOWRING said, he would beg to ask the Secretary of State for the Home Department, Whether, having regard to the prevailing uncertainty as to the exact nature of the new Cab regulations in the Metropolis, he will consider the propriety of forthwith issuing and enforcing regulations whereby, in the case of all disengaged cabs, whether on authorized stands or not, the public may before hiring them have positive means of knowing, both by daytime and after dark, the rates of fare chargeable?

MR. BRUCE said, he could assure his hon. Friend that he was most disposed to adopt any suggestion that might be offered to him for promoting the convenience and comfort of all those who use cabs, but he could not say that at the present moment there was a necessity for the alteration which his hon. Friend had indicated. He might say, in the first place, that there was no change whatever in respect to charge in the case of distance. All, both four-wheeled cabs and Hansoms, charged precisely the same as they did last year. With respect to the charge for time the case was different. The Hansom cabs had adopted an uniform charge of 2*s*. 6*d*. per hour, and all four-wheeled cabs, with the exception of a very few, had adopted a charge of 2*s*. Now engagements per hour were usually made during the day for purposes of shopping or making calls, but engagements for distance were usually made at night. It seemed to him that there could be no difficulty in ascertaining the charge by reference to the flag or plate which the cab was bound to carry. It had been suggested that it might be possible to paint the charge on the vehicles themselves; but as he was in hopes that in the course of the spring a new order of carriages might arise, upon which it would be inconvenient to paint the charge, he was not inclined at present to press the change. His hon. Friend seemed to suggest that a plate should be borne whether the cabs were on authorized stands or other places, but great inconvenience and no little danger had arisen from cabs plying and loitering, or "crawling," as it was called. [*Murmurs.*] He knew from those who used cabs that there was a very strong feeling in favour of those crawlers; but the majority of the inhabitants of London did not use cabs, and to have them loitering in the streets was a subject of considerable danger and of constant complaint. The law remained precisely in the condition in which it had been during the last seventeen years; and perhaps it would surprise the House to learn that during the last year there were no fewer than 2,801 summonses taken out against hackney carriages for plying and loitering, and no fewer than 2,429 convictions. That was before the present regulations came into effect. He was perfectly aware that the loitering of cabs could not be altogether prevented, and he was quite willing to admit that it was not desirable that it altogether should be. But the evil was chiefly felt in the narrow and crowded thoroughfares, and particularly at certain hours of the day; and if police arrangements could be made to prevent empty cabs plying in those streets at those hours the objection might possibly be removed. There was less excuse now than formerly for that great abuse—the habit of loitering — inasmuch as the number of cabstands had been increased from 292 last year to 419 at the present moment; and the Chief Commissioner of Police was now engaged in securing still more of them. He was anxious, also, for the benefit of the public, to state that the use of the tickets, although hardly universal, had been very much extended, and would be of very great advantage. In nearly every case in which complaints were made to the police, either about lost property or of misconduct, a card had been shown, by which the police were enabled to trace the offender or to recover the lost property. The consequence had been that the applications to the police with regard to lost property had been increased by 30 per cent, and whereas last year the total value of the lost property recovered in six weeks was only £136, and the value of the largest article recovered was only £6 10*s*., this year the total value recovered during six weeks was

£343, and the value of the largest article recovered £158. His hon. Friend hoped the regulations that had been made would be enforced. It was and always had been their intention to enforce those regulations, but his hon. Friend must be aware that cabmen, with all their excellent qualities, were not very amenable to State discipline, and it took some time and some perseverance before they could be induced to obey new regulations. He could, however, assure his hon. Friend, on the part of the police and also on his own, that no effort should be wanting to enforce the regulations.

Mr. DYCE NICOL said, he wished to know whether it was intended to enforce the law as to lamps?

Mr. BRUCE said, he had always thought that the remission of the duties made last year was to form the fund out of which the improvements in cabs might be made, to which the House and the public had a right. The charges now borne by hackney carriages amounted to £5 3*s.* annually—namely, £2 2*s.* which they paid in common with all other carriages, £2 more which they paid for the licence and for supervision, and a further £1 1*s.* for the two horses which had to be maintained for each cab. He was assured by the cab proprietors that the cost of two lamps for each cab would be no less than £9 8*s.* a-year. He had had careful inquiries made of the cost, and the lowest estimate of its amount was about £6; but he would not undertake to say that was more correct than the estimate framed by the cab proprietors. He had taken much pains himself to ascertain whether the value of a lamp would be worth that expense, and every hon. Member was as capable of judging on that point as he was. As far as his own observation went, generally speaking, an approaching cab could be detected by a person using ordinary vigilance; and he was bound to say that in his experience lamps were not any great additional security. Their object was by every means in their power to promote the public convenience by securing better cabs and better horses. The fund out of which that was to be done was the remission of taxation, and if that fund were applied in providing lamps, without giving additional security, they could not expect to get as improved a description of cabs and cab-horses as they might otherwise obtain.

UNITED STATES—THE "ALABAMA" CLAIMS.—QUESTION.

Mr. GOURLEY said, he would beg to ask the Under Secretary of State for Foreign Affairs, If the Government of the United States of America has offered to re-open negotiations for a settlement of the "Alabama" difficulties; if so, whether such negotiations are to be conducted in London or Washington?

Mr. OTWAY, in reply, said, the Government of the United States had not made an offer to re-open negotiations on the Alabama claims. Should negotiations on this subject be renewed, they would be so at Washington; but he begged leave to refer his hon. Friend to the Papers that day distributed to hon. Members on this subject, as they contained the fullest and latest information relating to his Question.

MINISTER AT HAMBURG.—QUESTION.

Mr. GOURLEY said, he would beg to ask the Under Secretary of State for Foreign Affairs, If there is any reason for retaining, at a cost of £2,000 a-year, a Consul General or Minister Plenipotentiary in Hamburg, considering that that City has been since the events of 1866, a part of the North German Confederation, and therefore not in a position to contract Military or Commercial Treaties?

Mr. OTWAY said, in reply, that when this Question was considered by Her Majesty's Government during the Recess, they were of opinion, having regard to the altered state of things in the North of Germany, that it was no longer necessary to maintain a diplomatic representative at Hamburg. Before the opening of Parliament, therefore, a despatch was addressed to Colonel Ward, the Minister resident there, informing him of this opinion, and fixing a day for the termination of his mission.

REGISTRATION OF VOTERS.

QUESTION.

Mr. VERNON HARCOURT said, he would beg to ask the Secretary of State for the Home Department, Whether Her Majesty's Government will, in the course of the present Session, introduce a Bill to amend the Laws relating to the Registration of Voters in the Boroughs of England and Wales?

MR. BRUCE, in reply, said, he was afraid that the pressure of other business would prevent the Government from bringing forward a measure on that subject this year.

IRELAND—THE REGIUM DONUM.

QUESTION.

MR. DAWSON said, he would beg to ask the Chief Secretary for Ireland, Whether there will be provision made in the Estimates of the current year 1870-71 for the payment of the Regium Donum Grant to nonconforming Ministers in Ireland, the Act of Parliament passed last Session not coming into operation till the date of January 1st, 1871?

MR. CHICHESTER FORTESCUE said, the Government did not intend to propose any Vote for what was commonly called the *Regium Donum*, or for the other small grants which stood on the same footing; and that conclusion of theirs they had every reason to believe was in harmony with the wishes of the great body of the Presbyterians of Ireland. The clause of the Act referred to by the hon. Member had no bearing on that point, because from the moment the Parliamentary Grant ceased the payment of the stipends of the existing ministers of the Presbyterian Church devolved upon the Church Commissioners.

WESTERN AUSTRALIA.—QUESTION.

SIR JAMES LAWRENCE said, he would beg to ask the Under Secretary of State for the Colonies, Whether any Despatches have recently arrived from the Governor of Western Australia upon the subject of free emigration to that Colony, and referring to the fact that Convicts had been received solely on the condition that an equal number of Free Emigrants should be sent out at the expense of the Imperial Government; and, whether, at the present condition of the labouring population of England, the Government are prepared to take steps for sending out the number of Free Emigrants required to complete the arrangements made with the authorities of Western Australia?

MR. MONSELL said, in reply, that when Western Australia was made a convict station, the Imperial Government undertook to send out a free emigrant for every convict it received, subject to the condition that the colony really required and could absorb and provide for them. Information on that subject was asked from the Governor, and a despatch, to which his hon. Friend's Question referred, had been received from him. That despatch was now under the consideration of his noble Friend Earl Granville. No decision had yet been come to on the matter, but he was afraid the information that had been received was not very definite.

IRELAND—EJECTMENTS.—QUESTION.

LORD ELCHO said, he would beg to ask the Chief Secretary for Ireland, Whether it is true that by the 59th section of the Act 23 & 24 Vic. c. 154, commonly called Mr. Cardwell's Act, tenants, in all ejectments in Ireland, are in the enjoyment of a jurisdiction in equity in the Quarter Sessions Courts, which, in such cases, deal with landlords in strict law only, and not in equity; and, whether tenants in England or Scotland are in this respect, at the present time, as favourably placed as the Irish occupier?

MR. CHICHESTER FORTESCUE said, that in answering his noble Friend, he must go a little beyond his Question, which referred only to a single section of the Act (23 & 24 *Vict.*), otherwise the inference the House would draw from the Question and the answer to it would be totally inaccurate. It was true that the section of the Act to which the noble Lord alluded enabled, not all tenants ejected, but tenants ejected in Ireland by the County Courts, to plead an equitable defence, and so to be protected from the enormous expense of a suit in the Superior Courts; but it was also true that the same Act conferred most important and special powers on the landlord, because by another section the Irish landlord was enabled to bring an ejectment for non-payment of rent on equitable grounds, from which he would be debarred in this country. And, what was much more important, an Irish landlord, under the same Act, was able to eject a tenant from year to year for non-payment of rent without notice to quit or power of re-entry—powers totally unknown to the landlords in this country.

METROPOLIS—THE THAMES EMBANKMENT.—QUESTION.

Lord ELCHO said, he would beg to ask the First Commissioner of Works, Whether, in pursuance of the recommendation of a Select Committee of last Session, it is his intention to bring in a Bill to relieve the Metropolitan Board of Works from the obligation to construct a Viaduct on the Thames Embankment from Hungerford Bridge to Wellington Street, Strand; and, whether, "having regard to the improvement of the Metropolis, and as a security against its further disfigurement," he intends, in accordance with a further recommendation of the same Select Committee, to recommend to Parliament that the Standing Orders be amended, so—

> "That whenever any public company or corporate body applies for Parliamentary powers to enable it to execute any works or erect any buildings in the Metropolis, or to raise money for the execution or erection of such works and buildings, it shall, before coming to Parliament, deposit at the Office of the Commissioners of Her Majesty's Works and Public Buildings, plans and elevations, designs, or models, in like manner as Railway Companies are now obliged to deposit plans and sections at the Board of Trade?"

Mr. AYRTON said, in answer to the first Question, he might state, that when the measure was originally before the House to which the Question referred, for constructing that street from the Bridge to Somerset House, he himself strongly objected to it, and expressed an opinion that the street never would be made. Therefore, when he was charged with his present Office, he wrote a letter to the Metropolitan Board, calling attention to the recommendation of the Committee, and stating that, if in their judgment it was for the convenience of the inhabitants of the metropolis and for the interest of the ratepayers, that they should abandon the construction of that street; and, if they would take upon themselves all the pecuniary responsibilities that would result from that course, he thought it would be very desirable that they should carry out the recommendations of the Committee. He believed the Metropolitan Board of Works had taken the matter into consideration, and proposed in a Bill to take powers to abandon that work. With regard to the second Question of the noble Lord, he had addressed a letter to the Metropolitan Board of Works requesting them, in their Annual Reports, to take notice of any works which might affect the public buildings of the metropolis, in order that he might see whether such works affected buildings under his charge; because he had no intention whatever to interfere with the business of the Metropolitan Board of Works. Whether it was desirable to alter or to take away the powers which the local authorities of the metropolis now possessed, in reference to works such as those to which the noble Lord alluded, was a question which would require a great deal of consideration. This was a matter within the province of the Home Department. While the local authorities possessed their present functions, any such course on his part as that which the noble Lord suggested would be useless. He might add that the Report of the Metropolitan Board of Works had been prepared, and would be laid on the table of the House very shortly.

THE FINANCIAL STATEMENT.

QUESTION.

Mr. CANDLISH said, he would beg to ask Mr. Chancellor of the Exchequer, If, as an early reduction of Duties on articles of import is expected, and as delay and uncertainty is likely both to lessen the revenue and embarrass importers, he will fix an early day on which he will make his financial statement; and if he can now fix a day for that purpose?

The CHANCELLOR of the EXCHEQUER: Sir, in answering the hon. Gentleman, I beg that I may not be understood as assenting to his hypothesis. I am sorry to say that at this moment, and in the present state of Public Business, I cannot ask a day from my right hon. Friend at the head of the Government; but the hon. Gentleman may rest assured that I am quite as anxious as he can be to get the Budget over before Easter.

Mr. GRIEVE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in the event of reducing or altogether removing the Duty on Sugar, an allowance of the Duty paid on the raw article will be allowed on stocks of refined Sugar in the hands of refiners when such reduction takes place?

The CHANCELLOR of the EXCHEQUER: Sir, in answering this Question, I must not be supposed to concede that there is any possibility of my taking the duty off sugar or off anything else. I can only say that, should it be my good fortune to take the duty off sugar or off anything else, I shall adopt the best means in my power to insure that the interest of those concerned shall not suffer in any manner that is not absolutely unavoidable.

COUNTY FINANCE ADMINISTRATION.

QUESTION.

MR. CAMPBELL said, he would beg to ask the Under Secretary of State for the Home Department, Whether he intends, during this Session, again to introduce a measure for improving the Financial Administration of Counties?

MR. KNATCHBULL - HUGESSEN said, in reply, that, having regard to the very extensive programme of performances already issued by the Government, he was afraid that he should scarcely have an opportunity of passing such a measure during the present Session. He entirely agreed with his hon. Friend as to the importance of the subject, and for that reason thought that it would be undesirable to introduce a measure relating to it, excepting at a time and in a manner which would secure for it such full consideration as might result in some settlement which could be accepted as satisfactory.

COURT OF QUEEN'S BENCH—THE VACANT JUDGESHIP.—QUESTION.

MR. STAVELEY HILL said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to fill up the vacancy in the Court of Queen's Bench, caused by the death of Mr. Justice Hayes?

MR. GLADSTONE: Sir, I have conferred on this subject with my noble and learned Friend the Lord Chancellor. The House will remember that, before the last General Election, three extra Judges were appointed with the view of their discharging the duty of trying Election Petitions. That business has almost entirely gone by, and, consequently there is a great abundance of judicial strength. Therefore, it is not the intention of Her Majesty's Government to fill up the vacancy which has been created on the judicial Bench. Indeed, there is a special reason for not doing so now, because Bills, having reference to the Higher Courts of Judicature, have been announced in the Speech from the Throne. There may be some inconvenience arise from the relative strength of the judicial Bench in different courts pending the consideration of those measures; and, with the view of supplying a remedy for that temporary inconvenience, my noble and learned Friend the Lord Chancellor will introduce a Bill next week in the House of Lords.

EPPING FOREST.

MOTION FOR AN ADDRESS.

MR. FAWCETT in rising to move—

> "That a humble Address be presented to Her Majesty, praying that She will be graciously pleased to defend the rights of the Crown over Epping Forest, so that the Forest may be preserved as an open space for the recreation and enjoyment of the public,"

said, that the subject to which he desired to direct attention was one of great importance, because the decision of Parliament upon it would involve the question whether one of the most important open spaces in England should continue to be enjoyed by the public, or whether a policy was to be adopted which might facilitate the enclosure of all the forests in the kingdom. It would be necessary for him to give a very brief history of the Forest of Epping. It originally formed part of very extensive grounds over which the Crown possessed rights of hunting. Whilst these rights existed nothing could be done which would in the slightest degree interfere with this sport; no coverts could be destroyed, and no ground could be broken up. Further so long as these forestal Crown rights were maintained, it was impossible for any part of the land to be enclosed, and the Forest would consequently remain an open space where, by the permission of the Crown, the public could freely wander, But, as everyone knew, the Forest was being so rapidly encroached upon that, if something were not done to put a stop to this proceeding, the Forest would soon cease to exist as a place of recreation for the people. All the facts which he should lay before the House would be drawn from official sources, and the first document to which he should refer was the Report of the Land Revenue Commissioners made in 1793. At that time the Forest consisted of 9,000 acres, and the Commissioners said in very strong language that it was most important that nothing should be done to countenance its enclosure, and especially so because of its close proximity to the metropolis. That recommendation, however, appeared to have attracted but little attention, for during the next half-century the Forest was constantly encroached upon, and there was too much reason to fear that these encroachments were encouraged by the officers of the Crown, whose duty it was to protect the Forest. The result of this course of proceeding was that in 1850 the Forest had been reduced from 9,000 to 7,000 acres. In 1848 a Select Committee of the House was appointed to inquire into the management of the Woods and Forests. To be perfectly candid he was bound to confess that their Report was generally in favour of disafforestation. It must, however, be recollected that associated with this recommendation there was a very strong clause relating to Epping Forest, recommending that everything possible should be done to preserve a portion of that Forest for the enjoyment and recreation of the public. This being so, it would be impossible to quote this Report as a valid argument against him, because their stipulation that a portion of that Forest should be reserved to the public had been taken no notice of, and the result was that the extent of the Forest had been reduced by more than one-half, and that it was being further reduced every year, while no steps whatever were being taken to reserve any portion of it for the recreation of the public. There was too much reason to fear that before many years the whole Forest would have been enclosed, without a single acre being reserved for public purposes. In 1849 a Royal Commission was appointed, at the head of which was Lord Portman; and their Report bore so strongly in favour of this Motion that he might almost rest satisfied with quoting it, and allowing the House to form its own conclusion upon the matter. That Report emphatically recommended that the Crown rights over Epping Forest should be defended, observing that no injustice to private proprietors could result from the adoption of such a course, inasmuch as they had taken the lands under the original grants with the full knowledge of the existence of the Crown rights, which had always been recognized as attaching to the property, and had affected its price when sold. He thought that had the recommendations of this Commission been more generally known to the House, the events of subsequent years would never have occurred. In 1851 an Act was unfortunately passed, under which the Royal parks were handed over to the Commissioners of Works, on the understanding that they were not to be devoted to purposes of revenue, but that public money should be voted for their adornment and maintenance for the recreation of the public. The other Crown lands, on the contrary, were handed over to the Commissioners of Woods and Forests, who interpreted the intention of Parliament to be that the property and the Crown rights should be devoted entirely to the purposes of public revenue. The result was that between 1854 and 1863 the Crown rights over no less than 4,000 acres out of the 7,000 of which Epping Forest consisted at the former date were sold, and thus the public had for ever lost their hold upon this vast tract of country. He was aware that it would be objected that where the Crown rights over land were sold enclosure did not necessarily follow, but he should meet that argument by contending that where the Crown rights were sold the great security against enclosure was lost. Where the Crown possessed rights over land the property could not be enclosed without its consent, but when once those rights were sold the question rested simply between the lord of the manor and the copyholders, and the House could understand what a slender chance there was of the lands not being enclosed. It was true that the Master of the Rolls, in his recent decision in the case of Berkhampstead Common, had shown the lords of the manor that they were not at all powerful in the matter; but still, if the Crown rights over the Forest were sold, the only slender security the public would have against its enclosure would be the rare accident that among the copyholders would be found one of ample means and possessed of sufficient public spirit to cause him to enter into long and expensive litigation, in order to prevent the enclosure of the land. Now, what was the magnificent sum the Government realized by the sale of the rights of the Crown over the

4,000 acres of Epping Forest to which he had alluded? Would the House believe that £18,603 16*s.* 3*d.* was the whole result of this miserable piece of contemptible economy. Instead of selling the Crown rights over public land, why did not some ardent friend of retrenchment seek to abolish certain sinecure offices, such as that of the Lord Privy Seal, by the abolition of which they might secure ten times as much for the Exchequer of the country. Happily, however, through the intervention of an hon. Member who formerly sat on the opposite side of the House, this policy of selling the rights of the Crown was summarily checked. In 1863, Mr. Peacocke carried in that House an Address to the Queen, praying her that she would not sell any more Crown rights over land within fifteen miles of the metropolis—so as not to facilitate the enclosure of such lands. He mentioned this circumstance to show that this was not in any way a party question. In the same year a Select Committee was appointed, over which a Gentleman who also was no longer a Member of that House presided. That Committee recommended either that the Crown rights might be defended or that such a plan of enclosure might be originated as would effect the preservation of certain portions of the land in the public interest. But of neither of these recommendations had any notice been taken. Associated with these recommendations was another, by which the Government was reminded that it was their duty to resist all encroachments which had been made on lands the Crown rights over which had not been sold. It curiously happened that a gentleman had since that period set the Crown rights at defiance, and, having refused to purchase those rights over the property, had enclosed upwards of 300 acres of the Forest, cutting down the trees and ordering the Crown officer off the land. From that hour to the present no notice had been taken of these illegal acts; and he had been permitted to enjoy the property unmolested. In 1865 another Select Committee was appointed, whose recommendations were of a still more decisive character. They recommended that everything should be done to prevent encroachments on the Forest, and they expressed their regret that the encroachments that had been made up to the time had not been resisted. They further declared their opinion that the rights of the Crown should not be devoted to purposes of revenue, but should be upheld with the view of promoting the enjoyment and recreation of the public. The Report of that Committee led to the passing of the Metropolis Commons Act, which was introduced by the right hon. Member who now sat for South Hampshire (Mr. Cowper-Temple). In the course of the debate upon that Bill a question was put to the right hon. Gentleman the present Prime Minister, by the hon. Member for Southwark (Mr. Locke), as to what he intended should be done with the rights of the Crown over Epping Forest, and the right hon. Gentleman gave the clear and important reply that, with the entire sanction of the Queen, those rights would be dealt with in accordance with the wishes that had been so frequently expressed in Parliament. During the same year the present Prime Minister proved the sincerity of the pledge he had given by introducing the Crown Lands Bill, a clause in which transferred Epping Forest from the Office of Woods and Forests to the Office of Works; and the result of the passing of those two measures—namely, the Metropolis Commons Act and the Crown Lands Act—was to enable Epping Forest to be brought under separate management, and to give the officials of the latter office the power of applying public money to the maintenance and defence of the Crown rights over it. The Forest was regarded as all the more secure when in 1868 the right hon. Gentleman who had done so much for Epping Forest became Prime Minister, and had for his Colleagues so many who could be ranked among the most persistent and eloquent defenders of popular rights. But the House would scarcely believe, and no one would be more incredulous of the statement than the First Lord of the Treasury, that at no time had the Forest been in so much peril as at the present moment. He ventured to think that deputations which had waited upon Members of the Administration on the subject made a grave mistake in not waiting upon the Prime Minister himself. In May last Mr. Layard told a deputation he sympathized with them—that he was extremely anxious for the preservation of the Forest. But he evidently feared the Chancellor of the Exchequer; and accordingly another deputation, in a rash moment, perhaps, sought an interview, on the 2nd of August, with that dreaded functionary; but as they left Downing-street there was not one of them who did not feel that Mr. Layard's fears were well founded. Not only were parochial authorities, clergymen, and distinguished barristers most unceremoniously treated, but, strange as it may appear, the gentleman who came in for the worst of the Chancellor's sarcasm was the distinguished statesman who is now Prime Minister. The members of the deputation, after having been assured by the Chancellor of the Exchequer that he would do nothing whatever to defend the Crown rights, and would take no notice whatever of the recommendations of two Select Committees and a Royal Commission, as well as of the answer by the Prime Minister to hon. Members, went on to say that the rights of the Crown could not be defended. But the members of the deputation thought much of the answer by the Prime Minister, for it was to the effect that an arrangement had been made, with the entire consent of Her Majesty, which would bring the forestal rights of the Crown out of conflict with the general interest of the community, and enable them to be dealt with in a manner satisfactory to all the parties concerned. When reminded of this, the Chancellor of the Exchequer, however, characterized it as very oracular; and when a member of the deputation exclaimed that the Prime Minister was too great, too generous, and too good not to fulfil a promise he had made, the Chancellor rejoined,—"I don't understand what it means; it was evidently intended to please every one, the lords of the manor included." He (Mr. Fawcett) trusted that before the evening was over the Prime Minister, who had done so much for the Forest, would give them some assurance for the future which even the Chancellor of the Exchequer could not stigmatize as either meaningless or oracular. The Chancellor of the Exchequer told the deputation that these forestal rights were a remnant of feudalism, and antagonistic to the spirit of the age; and went on to lay down the principle that it would be unjust to individuals to enforce the right for a different purpose from that for which it was originally granted. According to this doctrine, it would be perfectly proper to maintain the Crown rights over Epping Forest if it were required as a hunting ground for the Queen, but not right for Her Majesty to maintain her rights, when the object was to keep up a place where thousands and tens of thousands of her subjects found healthful recreation. The adoption of the doctrines advanced by the Chancellor of the Exchequer would revolutionize the whole system of land tenure, for everyone knew there was no such thing as absolute ownership of land. Formerly the possession of land was always accompanied by reciprocal duties. Owners of estates were bound to perform military service; but the tenure of the land did not cease with this obligation. The Chancellor of the Exchequer disposed of the rights of the Crown as obsolete because the Monarch did not hunt in Epping Forest; but were the purposes for which the lordships of the manors were originally created less obsolete? Lords of the manors originally discharged certain military duties, the necessity for which had long since ceased. They were originally, also, dispensers of justice, and their courts were the common legal tribunals of the country, but those courts had long since been abolished. He trusted Parliament would not be guilty of the anomaly of passing a special law to give the Irish a better hold on the land—or, as the common phrase was, to root the Irish people more deeply in the soil—and, at the same time, straining the law to prevent the people from wandering over the little land still left for them in any sense to enjoy. It was almost insulting to a great nation for a Minister to suppose that the cost of maintaining these Crown rights would be any obstacle when the deepest interests of the people were involved. Mr. Godfrey Lushington had given his opinion that the cost of defending the suit would not amount to more than £1,500, and that such a suit, if entered into, would almost certainly be successful; and he had also pointed out that one successful suit would prevent future encroachments. Should the House hesitate about £1,500 when, in a few hours, twice as much was spent in bursting guns and destroying targets? Epping Forest was the product of centuries, and no amount of money could create or restore it. He had been conversing with that distinguished minister, the Rev. Septimus Hansard, who had told him that if Epping Forest were not saved he would be inclined to give up his work in the East-end in despair. Would the House commit the anomaly of allowing the destruction of Epping Forest and yet passing a Bill in the vain attempt to check drunkenness by revising the licensing system? Not 200 Licensing Bills would have the slightest effect in preventing intemperance if the people were deprived of means for healthy recreation. He earnestly hoped that the Government would accept this Motion, and he should not have introduced it at that early period of the Session if he had not felt that the question was one of great urgency. Virtually the Chancellor of the Exchequer had given permission to whoever would to appropriate the Crown rights. He (Mr. Fawcett) therefore called upon the House to support him in his endeavours to reverse the *dictum.* If the Government resisted the Motion, he would ask the independent Members of that House to support him in a Resolution, in which the interests of the public generally, and the poor particularly, were vitally concerned. The hon. Member concluded by moving his Resolution.

MR. BUXTON, in seconding the Motion, said he believed he was the first person in that House who had called public attention to that subject some years ago, at the time when Messrs. Howard and Gore were adopting a most ruinous policy with respect to the Crown lands. He was not surprised that the House had smiled at the humorous description given by his hon. Friend (Mr. Fawcett) of the interview of the deputation from the East of London with the Chancellor of the Exchequer on the subject; but it was a calamity, and no laughing matter with the people of that locality to be deprived of a Forest which in former days, and until quite lately, was their greatest source of enjoyment and almost their greatest source of improvement. He had lived some years on the confines of the Forest, and he had never enjoyed any sight more than that of the crowds of people who thronged the roads upon a fine Sunday, with their wives and children, for the purpose of enjoying healthful recreation and the natural beauties of Epping Forest. Since that time, owing to the miserable petty economy of the Government, portions of that Forest had been destroyed. He believed, however, that the Commissioners of Woods and Forests, who, with an entire absence of public spirit, had sold Crown rights to the prejudice of the public, were the real offenders. The Crown rights of that most beautiful part of the Forest at Wanstead, the nearest part to London —about five miles and a half from the heart of Whitechapel—had been sold to Lord Mornington for £1,500, but he need not say that they were worth a hundred times that sum to the metropolis. Victoria Park was, no doubt, a great boon to the people at the East-end of London, but Epping Forest stood alone for rural enjoyment within a short walk of a densely-populated district. Still, notwithstanding much had been taken from the Forest, much still remained for the people; but if the policy inaugurated by the Chancellor of the Exchequer were not given up the Forest would be entirely destroyed. If even £10,000 or £20,000 was spent in litigation to prevent encroachments, the country would be repaid a thousand-fold by the growth of a healthier and more moral people; he trusted, therefore, the Prime Minister would really give his attention to the subject, and set at rest the legitimate fears of a large district in the East-end of London.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to defend the rights of the Crown over Epping Forest, so that the Forest may be preserved as an open space for the recreation and enjoyment of the public."—(*Mr. Fawcett.*)

MR. BERESFORD HOPE was constrained to add a few words in support of a proposition which was certainly not a party question, but one affecting the innocent recreation, morality, and education of hundreds of thousands of our fellow-townsmen. His hon. Friends had scarcely laid as much stress as they should have done upon the peculiar claims of the East-end of London. The health and comfort of the enormous population of the metropolis—a town of 3,000,000 inhabitants—was daily becoming more and more an Imperial question, for the simple reason that if London went wrong the whole body must suffer.

In the face of its enormously increasing population the East-end of London—a huge city in itself, in position and in circumstances widely different from the West, and daily spreading eastward—as far as West Ham, Stratford, and Barking, was wholly deficient in public means of recreation, with the exception of Victoria and Greenwich Parks—the latter over the river—while the West-end, not so destitute or unhealthy, had, in addition to the familiar parks, Kew and Richmond and Bushey. The West-enders had a comparatively healthy and pleasant general country into which to wander; the Eastern inhabitants had only the less salubrious and less agreeable flats of Essex. In face of such a difference it would not be strange, though regrettable, if a sense of injustice were generated in the East-end. The parks in Paris were all smaller and were more easily accessible, but the Imperial Government, not content with the Bois de Boulogne, had supplied those Parisians who stand in the place of our Eastenders with a new park at the Buttes de Chaumont, and have emparked the Parisian Epping Forest, the Bois de Vincennes; so much for Imperialism: under a Republican regime the Government of New York have formed, at enormous expense, the great Central Park of 800 acres for the recreation of its rapidly growing population. With these examples before the House, and with the wants of the East-end plainly before them, he trusted that no pedantic precedent or more miserable economy would induce them to make themselves contemptible in the sight of civilized nations. If the Government did not accept the Motion, he trusted the House would pass it by a preponderating majority from both sides.

Mr. COWPER-TEMPLE said, he trusted no one representing the Government would say he did not intend resisting encroachments on the rights of the Crown merely because he did not choose to pay the lawyer's bill; and yet there was nothing against maintaining these forestal rights except the cost. It was asserted that these Crown rights were obsolete, but how could this be when their existence was actually at this moment preventing the enclosure of a vast quantity of land? The custom of the Sovereign chasing the deer in the forest was doubtless obsolete; and the pleasure enjoyed by those who followed the Sovereign and witnessed the sport had passed away, but the recreation continued, though the character of it had changed; and the enjoyment of free passage over the forest remained after the hunting had ceased, and thus thousands of people to-day did enjoy such recreation as the forest could afford. He was sure our beloved Sovereign, though not desirous to follow the custom of her predecessors by chasing the deer, would derive the greatest pleasure from the knowledge that great numbers of her subjects were still enjoying recreation from her forestal rights. The lords of the manor could not complain of privileges exercised under forestal rights, for those rights were antecedent to the rights of the lords of the manor, and the ancient grants to lords from the Crown had reserved the forestal rights. With regard to Epping Forest, there were three parties who possessed rights over the land — namely, the lords of the manor, the copyholders and freeholders, and the Crown. Why, then, should the Crown withdraw its rights, and thereby increase the value of the rights of the other two parties? These forestal rights were treated by the Commissioners of Woods and Forests as matters of revenue, and their mode of treatment was, in his opinion, unstatesmanlike, and wrong. Forestal rights were not originally intended to produce revenue. The way in which the Commissioners regarded the matter was quite contrary to the opinion of the House of Commons in 1863, when a Resolution was passed to the effect that no money should be taken for these, and in 1866, when his right hon. Friend the present Prime Minister proposed a measure with the avowed object of removing these forestal rights from the control of a Department which treated them as a source of revenue, and transferring them to the Department which is charged with the employment of the public money for the general recreation of the people. Consequently Parliament, by the recommendation of the Prime Minister himself, had removed this question from the narrow ground of financial obligation; and he trusted the Chancellor of the Exchequer would not make any retrograde step. Was not the money given to the lawyers to plead this cause exceedingly well spent if it resulted in securing for the masses of the poor people of the metropolis the immense enjoyment derivable from the beauty of the Forest? Again, from a national point of view, he should be sorry to see the Forest destroyed, for it was not in the power of man to restore it. You may make parks and gardens, but you cannot make primitive forests. Supposing that the present Motion were acceded to, and that the Government were willing to take the proper steps to defend the rights of the Crown, one of the two courses recommended by the Committee of 1863 might be adopted. One of these recommendations was to endeavour to maintain the whole ground permanently open for the recreation of the people, in conjunction with the rights of the lords of the manor and copyholders; the other to come to a mutual agreement with the lords of the manor and the copyholders that a considerable portion of the Forest should be preserved as national property for ever, and that the remainder should become their property in severalty. If the latter course were adopted it would be nobody's interest to litigate with the Crown, while by mutual agreement the public would get the benefit of such a portion of the Forest as might be deemed equivalent to the rights which the Crown had inherited and now possessed. He trusted the Government would not allow matters to continue in their present condition, for if an impression got abroad that the Crown would not defend its rights people would naturally be induced to encroach upon them. He should give his support to the Motion of his hon. Friend.

Mr. SAMUDA said, he had introduced the deputation that waited upon the Chancellor of the Exchequer last autumn, and he wished the House to know that that deputation was greatly disappointed at being met with the arguments referred to by the hon. Gentleman who had brought forward this Motion. They thought that enough had been already done by the action of this House, borne out, as it had been, by the language of the present Prime Minister when Chancellor of the Exchequer, to encourage them to hope that the Government would, in the course of the present Session, propose some scheme for preserving Epping Forest for the public. The deputation had no desire to disturb existing arrangements, but would have been perfectly satisfied with maintaining intact, for the benefit of the public, the remaining unenclosed portions, which consisted of many thousand acres. The deputation relied, and he hoped not in vain, upon the recommendations of the Committee of 1865, by which the forestal rights of the Crown would be maintained without regard to the question of revenue being allowed to interfere, and the present extent of forest land preserved from future enclosure. He hoped the approbation with which the Motion of the hon. Member for Brighton (Mr. Fawcett) had been received in that House would induce the Government to adopt it, and prevent further encroachments.

Mr. KINNAIRD said, he wished to remind the House that the Department of Woods and Forests had distinctly stated that they had nothing to do with the recreation of the people, and that their only duty was to turn everything they could into money. He hoped the gentlemen sitting at Whitehall would not be allowed, for the sake of a few pounds, to set the wishes of this House at defiance, and destroy the enjoyment of the people, as had been done in the case of Blackheath and other commons.

Mr. GOLDNEY said, he thought the Commissioners of Woods and Forests had discharged, in an exemplary manner, the duties which Parliament had imposed upon them. They had regularly laid their Reports before the House, and no one who read those Reports could come to the conclusion that they had done wrong. What was now asked was, for the House to do indirectly what it ought to do directly. It would be, no doubt, very desirable to secure all unenclosed ground near the metropolis for the benefit of the people, but that result was not likely to be attained by going to law with the lords of the several manors. Litigation, which the present Motion would tend to produce, might not, improbably, lead to a highly unsatisfactory result, as it had done in the case of Leicester Square. If they went to law they would have to travel back into all the old forest rights and claims; and the securing to the Crown its rights did not of necessity establish the right of the public to go over every part of Epping Forest whenever they pleased. The better course would be to endeavour to promote an agreement between all the parties interested.

THE SOLICITOR GENERAL said, he felt sure that everyone who had heard the debate must feel that the object sought by the hon. Member for Brighton (Mr. Fawcett), and by those who had supported him was a most commendable one, and he for one most heartily sympathized with his hon. Friend's endeavour to obtain for the benefit of the public the preservation of such a beautiful tract of country as was to be found in Epping Forest. At the present time, too, it appeared to him more than ordinarily desirable that any such object should, if possible, be attained, to remedy the results of a certain modern exclusiveness. Many hon. Members who lived in the country could testify to the fact that many beautiful spots which, when they were boys, were free and open spaces, had now been enclosed. He, therefore, approached the consideration of the question without the smallest desire to throw any impediment in the way of what his hon. Friend sought to attain, and certainly with no want of sympathy with the object which his hon. Friend had in view. Indeed, speaking for himself, if it were true that any rights of the Crown had been interfered with, in which the subjects of the Crown shared, and if it could be shown that by a simple and cheap mode the Crown could maintain its own rights, and by maintaining its own rights maintain practically and effectively the rights of its subjects at the same time, he should decidedly approve the interference of the Crown. Indeed, he would go further, and say that if the rights of the Crown were of such a character that they could be exchanged for something of substantial value—as, for instance, if the Crown, by parting with its rights over the 3,000 acres to which his hon. Friend had referred, could obtain 300 acres elsewhere of open space, it would be a sensible and wise thing to do so. But he would ask what it was that the hon. Member for Brighton was calling upon the Government to do, and point out to the House the difficulties which presented themselves in any attempt to adopt such a course of action as that recommended by his hon. Friend. They were asked, not to maintain any rights of the Crown in which the subject was entitled to share, or in which he had the slightest interest, but they were asked to maintain certain rights of the Crown at very great expense and with very doubtful issue—in which the subject had no share whatever, which would, if enforced at all, have to be enforced in opposition to the claims of the lords of the manor, of copyholders, and of others—claims which were perfectly defensible, which the proprietors had vested in them, and of which they could not be deprived except by the ordinary mode of passing an Act of Parliament and by granting them compensation, or by adopting those friendly contracts following upon negotiations with which the Members of that House were all so familiar. Hon. Gentlemen, perhaps, were not quite aware what a forest really was. A forest, under the old law, was a precinct which was cut off from the rest of the country, subject to a very peculiar and onerous code of laws, and so reserved for the hunting of the King, and the King alone, of certain beasts of game, harts and hinds, wolves and boars. Those were the animals which the King, by the old forest laws, had an especial right to hunt, and it was for that purpose that forests were set aside. Hon. Gentlemen would find, if they consulted John Manwood and other recondite authorities on this matter, that the King with the great nobles who followed in his train, and those only to whom he gave special licence, had any right to hunt in these forests. As far as he could make out, the rights possessed by the King were four in number. He had a right to fill these forests with game; he could insist upon the maintenance of sufficient cover and browse for them to feed upon; thirdly, he had a right to exact the strict observance of the fence month, from fifteen days before to fifteen days after the feast of St. John the Baptist, during which time, it was said, the hinds dropped their young. He did not know when the wolves and wild swine dropped theirs. During that period the foresters were to go up and down the forest, and any man found within the forest would be brought before the verderers and severely punished, or, if he tried to escape, powers were given to raise the hue and cry until he was caught. The only other right that he could discover was a right to prevent such enclosures being made as would interfere with the leaping of horses and game over them, or the passing through of the wolves or boars. With that exception, any other enclosures might, he believed, be made without infringing the King's rights. He was speaking in the hearing of many hon. Gentlemen who were as well, or probably better, acquainted with the subject than he was, and he believed that they would bear him out in saying that that was a fair and accurate statement of what were called the forestal rights of the Crown. [Mr. BUXTON: Has not the Crown a right to cut wood?] Certainly not. The wood was not the property of the Crown. What they were dealing with was a case where the Crown was not the lord of the manor. In the New Forest, and others, where the soil was the property of the Crown, the Crown, besides its forestal rights, exercised the rights which appertained to the lord of the manor. But it was entirely different when the rights of the Crown were merely forestal. In these cases the lords of the manor might, he apprehended, cut wood without stint as long as they left sufficient to afford cover for the game. Wolves and boars, they knew, had disappeared, and a great deal could be done in the way of cutting at Epping Forest without depriving the game of sufficient to browse. Practically speaking, in a forest where the King was not the lord of the soil, where no deer and no beasts were to be found, the rights of the Crown were of the most shadowy description. Further, too, these rights were exceedingly difficult to enforce, for, as he believed, offences against the forest laws could only be punished by the forest tribunals and forest authorities; and for the purpose of enforcing these forest rights, if they existed, they would have to bring into existence a number of those obsolete tribunals whose judgments might not be particularly impartial, or if impartial not particularly enlightened. It was only, so far as he knew, where the Crown was lord of the manor that such forest rights of any practical value could be enforced. He believed he had shown that what the Government were asked to do was to undertake a task of extreme difficulty, and one which, if undertaken, would not bring about the result which his hon. Friend desired. Some hon. Members might remember the case of the "Queen against Hallett," in which proceedings were taken by the Crown in the Court of Exchequer to enforce its forestal rights by information of intrusion. The practical result was that many thousands of pounds were expended, and at last Mr. Hallett got tired of the business, paid £100, and a verdict was taken by consent, and there was an end of the matter; he was not restrained from doing the same thing next day. Of course the Crown could not be expected to go on spending public money at a great rate in difficult, expensive, and most doubtful litigation with lord of the manor after lord of the manor, whose direct interest it was to act on all the rights which they believed, and probably truly believed, belonged to them. Those observations he made to show the House what was the real state of the case. If the House, after hearing that, were still of opinion that this matter was to be proceeded with, of course it was not for him to object; he had no direct interest as Solicitor General in preventing the carrying on of litigation on the part of the Crown, which might involve the expenditure of a great many thousand pounds, some miserable few of which would pass into the pockets of the Law Officers for the time being. But, seriously, it was his duty to point out what was the real state of the law, that the House might not vote on the question without understanding exactly what it was about. There were other modes of proceeding which it was not for him to suggest—as, for example, by individual negotiation, or by dealing with the matter in some general measure. It might be suggested that the owners of large properties or of properties of any size, within certain limits of certain great towns, as their property got enormously enhanced in value by the wealth of those towns and by the increase of population, should come under some general law obliging them to reserve certain portions of their land for the benefit of those from whom their estates had derived that largely increased value. Again, though the enforcing of utterly obsolete and useless rights would be of no effect, some other mode might be devised by which the Government might bring about through negotiation what it was utterly hopeless to bring about by law. These, however, were not matters properly within his province, and having stated as far as he was able the legal aspect of the question, he left the House to pronounce its decision.

MR. ALDERMAN LAWRENCE said, he had no doubt that the disquisition of the learned Solicitor General, however interesting in itself, would be most unsatisfactory to the inhabitants of the East-end of London. The people saw a large tract of land which they and their forefathers had long used for recreation gradually passing away from them, while the Government declared that their hands were so tied that they could not interfere to prevent it. The Crown Lands Commissioners had entirely misapprehended their position, and always assumed that they were above the control of the Government of the day, looking, moreover, on the public as their natural enemy. They had sold the rights of the Crown for a very small sum, which enabled the owners of the land in the district to exercise rights of much larger value than the money paid for them, and which, but for the improvident sale of those rights to them by the Crown, they could not possibly have exercised. It was for those who had parted with the rights of the Crown so indiscreetly to devise the means of protecting the people in the enjoyment of their accustomed rights. He hoped the Prime Minister would not be led away by the Solicitor General on any question of bears or wolves, but if he could not quite see his way to agreeing to the present Motion, would at least recognize the duty resting on the Government of preserving these lands for the recreation of the people of the east of London.

Mr. GLADSTONE: Sir, I am quite sure the House will not concur with my hon. Friend who has just sat down in disparaging the statement of my hon. and learned Friend the Solicitor General. It appears to me that it was absolutely part of the duty of the Government—and a duty performed with remarkable clearness, great ability, and a singular absence of all legal pedantry in the speech of my learned Friend—to state to the House the legal aspect of this question, that it might understand, so far as the Government know, what can and what cannot be done in a legal point of view in the matter. But having said this much, and not being prepared to depart in the letter or the spirit from the speech of my learned Friend, I hold that there is no reason why my hon. Friend behind me (Mr. Alderman Lawrence) should be dissatisfied with that speech or with the action of the Government. I hope that neither my hon. Friend the Member for Brighton (Mr. Fawcett), nor anyone else, will think it shows on my part a gross neglect of public duty if I admit that, since the period when the answer to which he referred was given by me in the House of Commons, in 1866, my attention has been very much engrossed by other matters, and has not been directed to the prosecution of this question. Two and a half years were thus allowed to pass, when the late Government came into Office, and on our accession to Office again another year was allowed to pass without any attempt on our part to press this subject on the consideration of Parliament. And I admit that after that lapse of time my hon. Friend the Member for Brighton is perfectly justified in endeavouring to obtain an expression of opinion by the House, and in forcing upon us the responsibility of taking a decided course on the matter. I think the point my hon. and learned Friend the Solicitor General was most anxious to bring before the House was this—that we must not be parties to inducing the House to act with false pretences, or with expectations that we think cannot be sustained. The speech of the hon. Member for Brighton, if I understood it rightly, and those of my hon. Friend the Member for the University of Cambridge and other Gentlemen, proceeded on the supposition that by enforcing the forestal rights of the Crown we had it in our power effectually to prevent the enclosure of Epping Forest. Now, I am bound to say I wish I could affirm that proposition. I am not able, as advised by the best authorities, to affirm it. Up to what point, then, has my hon. Friend the Member for Brighton proved his case? I think he has shown that it is the duty of the Government to move in the matter, and to make themselves in good faith the advocates and champions of the desire of Parliament that everything which is practicable shall be done for the purpose of preserving for the enjoyment of the people of London whatever can be preserved. There are questions with regard to cost, questions with regard to the source from which the cost should be defrayed, on which it would be premature for me at this time to enter. The general principle on which in these matters Parliament has endeavoured, and I think rightly endeavoured, to proceed is this—That the metropolis itself should be responsible—I mean the property of the metropolis—for all that appertains to the enjoyment of its people. But this, I admit, is a case which assumes a peculiar aspect from its previous history; and I do not, therefore, at this moment, enter into the question whether it is necessary for us, in this instance, to act upon that principle in its full breadth and rigour. What I acknowledge is that it is our duty to take this matter in hand. And if it be our duty so to do, I think my hon. Friend the Member for Brighton will agree with me in the opinion that we shall probably be able to exercise the soundest discretion in the choice of the means for attaining the end we wish to reach, provided we are not compelled too much to enter into a discussion of details on the present occasion. We have stated frankly that we doubt whether we could attain that end through courts of justice by the assertion of the forestal rights alone, and I think I am almost falling short of what was said by my learned Friend the Solicitor General. On the other hand, the hon. Member for Brighton has reminded us—although he referred to it for another purpose—that the forestal rights of the Crown over a part of the land were sold to parties for £18,000; and if they were sold in respect to a part of the Forest for that sum, it is fair to assume that the Crown's forestal rights over the rest still remain and are of some value. Our duty, therefore, evidently will be to make as much as we can of whatever value they may possess; and all I ask of my hon. Friend (Mr. Fawcett) is this—I do not go so far as to ask him to withdraw his Motion, but I beg that the form of it may be altered, and that it may not specifically bind and confine us not merely to prosecute the end in view, but to prosecute it by a mode of proceeding with regard to which we greatly doubt whether it can be successful and effectual. My hon. Friend's Motion as it stands is—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to defend the rights of the Crown over Epping Forest, so that the Forest may be preserved as an open space for the recreation and enjoyment of the public."

Well, I do not want to abandon the rights of the Crown; but I think it would be better, if the House is so pleased, to leave the matter in our hands, to leave open to us the choice of means for the execution of the task, which I must frankly admit, I think we are, under the circumstances, bound to take in hand and prosecute. What I would suggest is this, that the words—"be graciously pleased to defend the rights of the Crown over Epping Forest, so that the" be omitted, and for them be substituted, "take such measures as in Her judgment She may deem most expedient, so that Epping Forest may be preserved, &c." As far as refers to the end in view, there will be no change if this be done, and as far as refers to the course of proceeding, it will be our duty when we have looked into the matter, to report to the House, and subject ourselves to its judgment with respect to the choice of the means to be adopted. I do not suggest these alterations in my hon. Friend's Motion in any hostile sense, and, indeed, I am sure my hon. Friend will agree to the suggestion I now make. I therefore beg to move that Amendment in the Motion of my hon. Friend.

Amendment proposed,

> To leave out the words "be graciously pleased to defend the rights of the Crown over Epping Forest, so that the," in order to insert the words "take such measures as in Her judgment She may deem most expedient in order that Epping," —(*Mr. Gladstone,*)

—instead thereof.

MR. FAWCETT said, he accepted, with the utmost pleasure, the Amendment of the Prime Minister, and begged very sincerely to thank him for it. No doubt, after what the Prime Minister had said, sooner or later, those rights must come into a court of justice; but, before that time, he hoped his hon. and learned Friend the Solicitor General would pluck up a little more spirit, and show a little more heart than he had exhibited that evening.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *inserted.*

Main Question, as amended, put, and *agreed to.*

Resolved, That an humble Address be presented to Her Majesty, praying that She will take such measures as in Her judgment She may deem most expedient in order that Epping Forest may be preserved as an open space for the recreation and enjoyment of the public.

REPRESENTATION OF THE PEOPLE ACTS AMENDMENT BILL.—LEAVE.

MR. HARDCASTLE, in moving for leave to bring in a Bill to repeal the Minority Clauses of the Representation of the People Act, 1867, and the Representation of the People (Scotland) Act, 1868, said, that the Bill consisted of only one enacting clause, which it was not necessary to take up the time of the House by explaining on that occasion. He hoped, when the Bill came to a second reading, he would be able to show that it was not a measure of a reactionary character as it had been represented to be that morning in one of the main organs of public opinion.

MR. SCOURFIELD said, he hoped the hon. Member would not persevere in the course he was about to take. If he did, it would be very like putting the Reform Bill into a crucible to recast it. Whatever opinion the hon. Gentleman might entertain, there were a great many in that House who attached the greatest value to the Minority Clauses, which they regarded as forming a protection against the tyranny of absolute and uncompromising majorities. For his own part, he would strongly oppose the Motion without reference to what might be done at another time.

MR. GLADSTONE said, though he was very far from laying it down absolutely that all Bills were to have their first stage taken simply as a matter of course, yet he thought his hon. Friend (Mr. Hardcastle) had a very fair case for being allowed to introduce his measure without opposition. For the opinion upon which his hon. Friend acted was not merely his (Mr. Gladstone's) opinion —he would not recommend the Bill on that ground—but the opinion of the House of Commons, which sent up the Reform Bill to the House of Lords without the Minority Clauses, and passed them afterwards in order to avoid running the risk of losing the Bill for a year. Under these circumstances, it was only fair his hon. Friend should be allowed to introduce the Bill without opposition. On the part of the Government, he might say that it was quite right they should reserve to a later stage the expression of an opinion whether it was or was not desirable to deal with this particular part of the election law in an isolated manner.

Motion *agreed to*.

Bill to repeal the Minority Clauses of the Representation of the People Act, 1867, and the Representation of the People (Scotland) Act, 1868, *ordered* to be brought in by Mr. HARDCASTLE, Mr. VERNON HARCOURT, and Mr. THOMAS POTTER.

BALLOT BILL.

LEAVE. FIRST READING.

MR. LEATHAM, in moving for leave to bring in a Bill to provide that the poll at Parliamentary and Municipal Elections be taken by Ballot, said: It is a great satisfaction to me to believe that, in moving for leave to bring in a Bill for the introduction of the Ballot at Parliamentary and municipal elections, I am asking the House to express their willingness to take into consideration a question which is passing, if it has not passed, out of the domain of party. If anyone conversant with the Parliamentary history of the Ballot were to read attentively the evidence which was taken before the Select Committee upon Elections, and to observe the course of the examination, perhaps one of the first points which would strike him would be the progressive softening in their hostility to the Ballot evinced by those who entered upon that inquiry committed to a certain extent by their public utterances against it. I can conceive nothing more creditable to the more prominent Members of the Conservative party who sat upon that Committee, than the skill and patience with which they sifted the evidence in the first place, and the manly candour with which, in the next place, they practically admitted its cogency. The right hon. Gentleman the Member for Oxford University, having distinguished himself throughout by the care with which he examined witnesses favourable to the Ballot, distinctly declined at the close of the inquiry to place any Resolution upon the Paper adverse to the adoption of the Ballot; and the right hon. Gentleman the Member for North Northamptonshire laid before us a string of Resolutions, the general purport of which was unmistakable. It is quite true that he added one which in no very strenuous terms seemed to suggest a vital modification of the Ballot itself, but the right hon. Gentleman is, I take it, far too shrewd a politician, and far too conversant with the practical sagacity of this House, to make any proposition which was intended to be inconsistent with itself. A temporary Ballot is no Ballot at all. I can therefore only accept this last faltering Resolution as a parting shot fired by the right hon. Gentleman either to cover his retreat, or as a salvo of honour over the grave of a long-cherished but deceased opinion. But, Sir, the change which was manifestly taking place in the mental attitude of these right hon. Gentlemen towards the Ballot, was reflected by a similar and simultaneous change in the minds of the great party to which they belong. At first the evidence of this change reached the Committee in an indirect shape. So early as the second day of the inquiry we were informed of it upon good, but second-hand authority, but it was not until the inquiry reached its sixth day that we were so fortunate as to discover a *bonâ fide* Conservative witness who was in favour of the Ballot. This man's mind was actually in the interesting process of conversion. One eye was open to the advantages of the Ballot; the other was still closed. He was in favour of the municipal but not the Parliamentary Ballot. The same day, however, we discovered another Conservative witness both whose eyes were open; and the ice was no sooner broken than evidence was forthcoming in abundance, which proved that a great ripening had been taking place in Conservative opinion throughout the country with reference to this question. And since this is so, I feel quite sure that hon. Gentlemen opposite, whatever may be their individual convictions, will not go the length of voting against the first reading of this Bill, with a view to stifling in its birth the discussion of a question in which their own supporters are taking a lively and rapidly-growing interest. And here, Sir, perhaps I may be permitted to remark that under these peculiar circumstances there is a certain propriety in the introduction of this measure by a private Member. A Government, ruling by party, can scarcely touch any part of our electoral system without laying itself open to the suspicion—probably perfectly unfounded—that it does so with party ends in view. As a necessary consequence, such is the jealousy with which each side of the House naturally watches the political manœuvres of the other, that debates upon these questions, when initiated by the Government, assume at the outset more or less of a party character. Party prejudices, which otherwise might have slumbered, are invoked, awakened, and arrayed against the proposition, and we are thus insensibly but irresistibly dragged away from the simple search after truth into a trial of party tactics, party eloquence, and party strength. But when a humble individual, unconnected with the Government, and not known as a strong party man, submits a question of this character to the House, prejudice and jealousy do not necessarily take alarm, and without the least sacrifice of party strategy or even party etiquette he may receive—as he trusts he will receive assistance from all parts of the House, which may prove more valuable in the direction of its right solution than the most strenuous flagellations on the part of my hon. Friend the Secretary of the Treasury. I appeal, then, to the right hon. Gentleman at the head of Her Majesty's Government to permit this debate, and the whole discussion to take its natural course, and I would ask him, and ask him with confidence, as to his reply—whether he does not believe that there are some questions, and that this has now become one of them, which may be more conveniently and more justly settled by a general concurrence of opinion, rather than by the more usual, but more hazardous process of party debate. And, Sir, I would venture to direct his attention, in confirmation of what I say, to a speech delivered by a right hon. Colleague of his upon this very question in 1860. My right hon. Friend the First Lord of the Admiralty said—

> "The Ballot was not in Victoria, as in England, exclusively advocated by the popular or Liberal party, and opposed by Conservatives. On the contrary, some of its most strenuous advocates sat on the Conservative side of the House, and unquestionably its most formidable opponents were the leaders of the extreme democratic party. And to this I think much of its success is due. For not being a party measure, its details were honestly discussed and settled by the ablest men in the House."—[3 *Hansard*, clvi. 788.]

Sir, this is precisely the kind of discussion which I hope awaits the details of this Bill. And now, Sir, what is the Bill which I move for leave to bring in? It provides that the poll at every municipal and Parliamentary election in the United Kingdom shall be taken by Ballot, with the exception of that at elections for the Universities. It is only very recently that you have introduced a mode of voting well adapted to meet the peculiarity of these constituencies—namely, that the electors composing them are scattered all over the country. It would be inconvenient in the extreme to apply the Ballot principle to constituencies of this character; nor am I aware that any dissatisfaction exists with the new mode of voting, or the breath of a suspicion that those practices which render the adoption of the Ballot desirable elsewhere are known at University elections. Nor, Sir, do I propose to deal with elections for Poor Law or Local Boards. The system both of voting and of suffrage differs so materially from those which we are about to consider that if it be essential to deal with the mode of voting at these elections at all it must be dealt with under a separate statute. But, Sir, no such observation applies to the proposal to modify by the same Bill the mode of voting and taking the poll at both Parliamentary and municipal elections. These two classes of contest run so completely into one another that it is impossible to divorce the consideration of the one from the consideration of the other. Practically speaking, since the reduction of the franchise the municipal and Parliamentary constituencies are identical. With hardly an exception municipal contests are political. As a necessary consequence of these two cardinal facts the same class of persons and the same organization work both, and when we examine that working we find the same corrupt and the same sinister influences steadily pervading each. Indeed, if there is any difference it is in favour of Parliamentary elections. for "there is a general feeling," as one of the witnesses from Bradford remarked, "that you can do anything at municipal elections." So that, if you do not check bribery and intimidation at these constantly recurring contests, you leave the spawn of both untouched; you leave the Parliamentary constituency, which is identical with the municipal, a prey to all those debasing practices when they are resorted to by the same men at the Parliamentary election. And there is such a thing as voting corruptly from sheer habit, for having slowly saturated a man with bribery by the periodical administration of minute doses you may almost trust him to vote with the same corrupt bias upon the comparatively rare occasions when bribery is impossible. If, therefore, as we contend, the Ballot will check bribery and defeat coercion, we are logically bound to apply the same remedy to municipal as well as Parliamentary elections. I may now proceed to state to the House the particular form of Ballot which I propose to introduce under this Bill. The House will, perhaps, remember that a year ago I moved — not as has been stated, for leave to bring in this Bill, but an Instruction to the Committee on Elections in order to insure our taking evidence upon the various forms of Ballot actually in use upon the Continent of Europe and elsewhere, with a view to the selection of that particular form which should be thought the best adapted to the requirements of constituencies in this country. In consequence of an assurance which I received from the right hon. Gentleman at the head of the Government that such an inquiry was entirely within the scope of our Order of Reference, I withdrew my Motion, and, in justice to the Committee, I must say that the evidence taken upon this most important branch of the subject was of the most ample and satisfactory kind. When we come to deal with the clauses of the Bill, I shall be prepared by a minute reference to that evidence, to explain and defend the various provisions which they contain, but at this preliminary stage, it will probably be thought sufficient if I simply state those provisions to the House. The form of Ballot which I propose is a modification of what is known as the Victorian system. The voter will present himself, as he does now, at the polling-booth. He will find there, as he does now, the presiding officer and his poll-clerk, and two or more inspectors appointed, one by each candidate, under an existing statute, in order to prevent personation. The powers of these inspectors will be extended by the Bill, so as to enable them to watch the whole operation of the Ballot in the interest of the candidates whom they represent. Having identified himself as he does now with the person in whose name upon the register he claims to vote he will receive from the presiding officer a ballot card. Upon this ballot card, besides the name and date of the election, are to be printed in strict alphabetical order, and each in a separate colour, the names of all the candidates.

This is done in order to meet the case of voters of very imperfect education. Many men may be unable to read, but it is hardly possible to imagine that any man can be found unable either to count as high as four or six, or to distinguish colour. Before handing this card to the voter, the presiding officer will place his own initials on the back, in order to prevent what is known as the Tasmanian dodge. Having received his ballot card the voter takes it to a compartment which is so constructed that he may mark his card there without interruption or observation. He then strikes out from the card the name or names of the candidate or candidates for whom he does not intend to vote, and—the card being perforated across the middle for the purpose —folds it across, so as completely to conceal the candidates' names. He then will return with it to the presiding officer, and the presiding officer having observed that his own initials are upon the back, will drop it into the ballot box, which will stand upon a table before him. The operation of voting is then over, and the voter will leave the booth at once. At the close of the poll, the ballot box, which, before the poll opens will be examined, sealed and locked in the presence of the inspectors, is to be opened, the inspectors still being present, the contents are to be examined—informal cards rejected and the poll ascertained, the declaration to follow under existing statutes. As soon as the poll shall have been ascertained, the ballot cards belonging to each booth will be sealed up, and that seal not broken except by the authority of a court of law appointed to try the election by scrutiny. The House will observe that this form of Ballot, so far as we have gone, is absolutely secret. The ballot cards—which are provided by the returning officer—are all alike. It is made a misdemeanour for any voter wilfully to exhibit his card in the polling booth, in such a way as to disclose his vote. This, of course, is to prevent his proving his vote to a confederate and so claiming a bribe. All the officials and inspectors take a solemn declaration of secresy, in order, that if by accident they should discover any particular vote, they may not reveal it, and they are precluded, by a clause in the same declaration, from communicating the name of any voter who has polled. This is with the view of rendering personation still more dangerous than it is now; for any man will hesitate to personate another if he is not sure he has not already voted, for to personate a man who has already voted, would expose the person who attempts it to instant discovery and apprehension. Now, Sir, I should have been quite content finally to have left the Bill where it stands, and to have made no provision for a scrutiny, except upon the point of the numbers polled by any particular candidate. The enormous advantages to be derived from a secret Ballot would, in my opinion, immeasurably outweigh any disadvantage to result from the sacrifice of a right so seldom exercised as that of scrutiny. But, Sir, it is the duty of any honourable Member who introduces legislation to provide that no other change follows the passing of his Bill, except that which is contemplated upon the face of it. We do not attempt to carry changes by a side-wind. This is not a Bill for the abolition of scrutiny, but for the introduction of the Ballot, and therefore I have endeavoured to leave the laws of scrutiny untouched. This has always been considered the crux of the Ballot question—how to combine a scrutiny with a secret Ballot. In Victoria they place the voter's register number upon his ballot card, and are thus enabled to identify votes under a scrutiny. But, Sir, I cannot but think that to adopt this system in its entirety, would be objectionable in a country in which intimidation has run such lengths and worked so persistently, and with such subtlety as it has here. You never could convince the dependant and ignorant voter that the inspectors, notwithstanding their oaths, would not avail themselves of the opportunity of ascertaining his vote which would be presented to them, while the votes were being counted, and freedom of voting might thus be seriously impaired. But it has occurred to us that chemistry which has solved so many other riddles might perhaps enable us to solve this. Why not write the voter's number upon his card in chemical or invisible ink? The secret would thus remain with the card until the ink was developed, and the Ballot would be absolutely secret still. Now, Sir, there is a chemical ink composed of chloride of cobalt, which is invisible at the maximum temperature of the atmosphere, but becomes distinctly legible when the temperature is raised some 30 or 40 degrees, again to become invisible when the temperature falls to its usual height. I propose that the register numbers shall be written upon the cards by the presiding officer in this ink, and that if a scrutiny should take place the court of law, in whose custody the ballot cards will then be placed, should be precluded from identifying any vote which it has not previously adjudged to have been invalid. Every honest vote will therefore remain absolutely secret, and, practically speaking, the assurance of secresy will be unshaken. And, Sir, it is because I am desirous that that assurance should remain unshaken that I discard in favour of a simple and transparent system of balloting, all the ingenious balloting contrivances with which we have been so worried and pestered latterly. I do not know that there is any object of human ambition except, perhaps, the production of a cup of coffee for breakfast, upon which the same amount of mechanical ingenuity has been lavished. Even the magnetic telegraph has been pressed into the service, and it has been proposed to introduce the terrified elector alone and unprotected into the awful presence of a piece of mechanism so elaborate and imposing, so full of wires and balls, of wheels and dials and needles, that the unsophisticated bucolic mind, if it were able to form any conclusion as to what was going to happen, must have concluded not only that the vote was about to be registered, but the voter's portrait taken, his vote telegraphed to his landlord and to his agent, who probably would be waiting in the street, summoned by ring of bell. Sir, the fatal demerit of all such machinery is its ingenuity, for where there is the exhibition of great ingenuity there is the inseparable suspicion and suggestion of fraud. Now, there are two systems of Ballot, each of which can be made sufficiently simple to impress the voter with his absolute security—the ticket Ballot, which is the Ballot of this Bill, and the ball Ballot, with one variety of which we are all familiar at our clubs. I have preferred the ticket Ballot for this reason—with very few exceptions, this is the system of Ballot which in one shape or another is actually in use upon the Continent of Europe, in America, and in Australia. We have, therefore, at our command a vast experience of its working. We know all the tricks to which it is exposed in operation; we know precisely what to guard against and what to prescribe. But about the ball Ballot, as applied to political elections we know comparative little, and what little we do know is not much in its favour. It stands to reason that there must be greater opportunities for fraud when it is an essential feature of the operation that a man's hand and part of his arm should be buried in a funnel than when the whole process takes place in the light of day. It can scarcely, therefore, be a matter of surprise that we hear of gross fraud in Greece, where this particular system of Ballot is in vogue, or that the ticket Ballot was adopted in preference in Australia after a long and careful investigation. Sir, I do not know that it is needful for me to detain the House. They will find, I think, when this Bill comes into their hands, that it has not been drawn without some degree of care and forethought, and that the system of Ballot which it embraces is simple, easy, expeditious, and thoroughly efficacious. For the provisions to this end, I am greatly indebted to suggestions arising out of the thorough and conscientious sifting to which the evidence was subjected by members of the Committee on Elections, and especially by those who sit upon the opposite side of the House. With great skill and ingenuity they exposed all the weak places in existing systems of balloting, and I think I may say that there is no weak place exposed by them which has not been covered by provisions in this Bill. I trust, therefore, that this measure may be regarded by the House not as my measure, or the measure of any number of hon. Members who sit near me—but as a measure resulting from the conscientious labours of hon. Gentlemen who, as they sat upon that Committee, seemed to vie with one another in probing the system of secret voting to the bottom, and thus furnishing me with an analysis of everything which we must strive to attain, and everything which it was essential to prevent. I trust that in the same spirit—having read this Bill a first time to-day, and thus expressed their willingness to take their subject into their consideration, and having on a subsequent occasion adopted the principle of the Bill after due and serious discussion, the House will proceed to revise, and, if need be, amend this measure in Committee, and thus finally to present the nation with a means of frustrating electoral crime more powerful, as I believe, than all the penal but futile legislation of the last two hundred years. I beg to move that leave be given to bring in the Bill.

MR. LIDDELL said, he rose, not for the purpose of discussing the relative merits of the the ball and ticket system of Ballot, but to state that he had an innate and invincible hatred to all systems of secret voting, which he always had opposed, and which he always should continue to oppose to the utmost of his power, wholly apart from any consideration as to whether its adoption might favour one or another political party. The course the hon. Member opposite (Mr. Leatham) had thought fit to adopt was a most unusual one, and it should not be allowed to pass without some remonstrance. The Committee which had been appointed by that House to inquire into the mode of conducting Municipal and Parliamentary Elections, of which the hon. Member was a most active member, and to which, among other questions, that of the Ballot had been submitted, was not an ordinary Committee. It had been appointed last year and it had been re-appointed this year, with the full sanction of the Government. It was presided over by an able Member of the Government (the Marquess of Hartington), and it had not yet made its Report. The House was waiting to see what the recommendations of that Committee would be, and it was a most unusual thing for a leading Member of such a Committee, without waiting for the Report to be presented to the House, to move for leave to introduce a Bill dealing with one of the most important questions which had been submitted to it. He hoped the House would not countenance such a proceeding, and that they would refuse to allow the Bill to be brought in, on the ground that the proper time had not arrived for its introduction.

MR. GILPIN said, he was not surprised to hear the hon. Member opposite (Mr. Liddell) say that he should oppose the introduction of the Ballot at all times and under all circumstances. For his part he should as invariably give it his support. A Committee was all very well to make a soft fall for right hon. and hon. Gentleman who had often pledged themselves to vote against the Ballot, but he (Mr. Gilpin) had no such pledges to redeem. The hon. Gentleman would recollect that the question of the Ballot had been debated in that House over and over again before the appointment of the Committee over which the noble Marquess presided; and therefore there was no reason why it should not be dealt with in the present Bill, notwithstanding the circumstance that the subject amongst others was being inquired into by the Committee up-stairs. He thought the hon. Member (Mr. Leatham) was mistaken last year when he consented to allow the direct question of the Ballot to be referred to the decision of a Committee. He should certainly support his hon. Friend in bringing the question of the Ballot before the House during the present year for decision, irrespective of the recommendations of the Committee. He was glad to know that many Members on the opposite side of the House who had hitherto voted against the Ballot, would now be found supporting the measure, and he believed that in the event of the hon. Member opposite forcing the House to a division upon the question more Members than had ever done so before would be found voting in favour of the introduction of the Ballot system.

THE MARQUESS OF HARTINGTON: I rise, Sir, to state that I do not propose to offer any opposition on the part of the Government to the Bill; but I hope that the hon. Member (Mr. Leatham) will pay some attention to the observations which have fallen from the other side of the House, and that he will not altogether ignore the Report of the Committee of which he has been so active a member. Now, although the Government do not intend to oppose the introduction of the Bill, yet we trust the hon. Gentleman will allow some time to elapse before the second reading is taken, as there is a reasonable probability that the Committee may agree upon their Report. As to the observations made by my hon. Friend in introducing the Bill, I think I need not take notice of them on the present occasion, but there is one which I cannot altogether pass over. The hon. Member stated that he thought this was a subject which might be more appropriately dealt with by a private Member than by the Government. On that point

Her Majesty's Government wish to reserve their opinion. When the Committee which was appointed last year, upon their recommendation and with the sanction of the House, have made their Report, it will be the duty of the Government to consider the proposals they may make not only on this point of the Ballot, but on other points connected with the conduct of Elections; and it will then be for the Government to decide whether they will take up the whole or any portion of the subject dealt with by the Committee, or whether they will leave one portion of the subject to be dealt with as the hon. Member proposes. The hon. Member made frequent allusions to the Committee, and I am sure he did no more than justice to hon. Members opposite when he recognized the fair spirit in which they had conducted the inquiry; but I appeal to my hon. Friend, as he has been met in so fair a spirit on that Committee whether it is quite respectful or proper conduct utterly to ignore as he has done the approaching end of the deliberations of the Committee, and to propose his measure just as if that Committee had never been appointed. I am indeed perfectly aware that my hon. Friend had some hesitation last year in postponing the introduction of his Bill, and some reluctance in assenting to the appointment of the Committee; but he did assent, and he sat on the Committee, of which he was a very active Member. Let him, therefore, wait a short time longer, let him wait till that Committee has been re-appointed. As I stated the other day, the Committee agreed to a resolution last year that more evidence should not be taken. They will consequently meet merely to consider their Report, and, whatever may be the desire of any Member of the Committee, that is a process which cannot be indefinitely delayed. The time my hon. Friend would lose could not be very serious, and I think, therefore, I may not unreasonably appeal to him to fix the second reading of the Bill at such a time as will give the Committee an opportunity of previously agreeing on their Report.

Lord GEORGE MANNERS said, he would take the opportunity of alluding to an inaccuracy in a Return which had been laid upon the table of the House. It had reference to Election Expenses, and stated that the number of electors which sent him to that House was 4,772, whereas, in fact, the number was 9,512. He mentioned this in order to show the worthlessness of the Return, as some hon. Members opposite might refer to that Return in their arguments on the question of the Ballot.

Mr. BERESFORD HOPE said, he thought that the conclusions arrived at by the noble Marquess did not piece in with the premises from which he started. The noble Marquess (the Marquess of Hartington) had pointed out that the introduction of this Bill by the hon. Member was premature, and he stated that such a course was hardly respectful to the Committee, of which he (Mr. Leatham) was a distinguished Member, but that being the case the noble Marquess's conclusion was that the Government should not oppose the introduction of the Bill. It was not for the Opposition side of the House to intervene between the lovers' quarrels of the Government and its supporters, but he would suggest that the Government ought to have moved the adjournment of the debate. If the Government, on one side, wished to see the Bill introduced, if they had a tender feeling towards the Ballot—for which he did not blame them—and if they did not wish to oppose so staunch a supporter of theirs as the hon. Gentleman; yet if, on the other side, they felt that the introduction of the Bill would be disrespectful to the Committee, why did they not boldly ask the hon. Gentleman to adjourn the debate to some day after the Committee had reported? Supposing him to consent to such a request his Notice would still be on the Paper, and when the Committee had reported, he would be in no way damnified in the eyes of the House or of the country in trying to push on his measure to further stages.

Mr. SCLATER-BOOTH said, he could well understand that the noble Marquess (the Marquess of Hartington) felt some delicacy in asking the hon. Gentleman (Mr. Leatham) to allow his Motion to stand over, but he (Mr. Sclater-Booth) thought that would be the proper course for him to pursue. That would be the course most in accordance with the practice of the House and the deference which the House always paid to the decisions of a Committee, especially of a Committee constituted like that appointed to consider this subject. He spoke without much prejudice in this matter, for though he had always, like his hon. Friend the Member for Northumberland (Mr. Liddell) voted against the Ballot, he did not mean to say that he should always continue to do so. But he agreed with his hon. Friend in feeling the greatest possible objection to secresy of voting. He deemed it un-English, and thought the noble Viscount, who so long presided over the counsels of the other side of the House, was never more right than when Session after Session he laid down that doctrine. The Committee which was about to reassemble would do so exclusively for the purpose of considering its Report, as the noble Marquess had stated the other day that no additional evidence would be taken. The hon. Gentleman would not lose much by the trifling delay which might take place, and he (Mr. Sclater-Booth) concurred in the suggestion of his hon. Friend below him (Mr. Beresford Hope) that the debate should be allowed to stand over for a few weeks. He was sure that both with regard to the Government and the Committee that would be the more respectful course.

SIR WILFRED LAWSON said, he hoped there would be no adjournment. The debate had now been adjourned for about forty years, as it was originally intended that the question of the Ballot should be introduced into the Reform Bill of 1832, and it was only by a sort of sidewind that it was eventually withdrawn. For his own part, he much regretted that the Committee had been appointed last year. He thought the subject was ripe for the consideration and decision of the House, and he consequently felt renewed regret when the noble Marquess, a few evenings ago, moved its reappointment. The principal members of that Committee had already given their opinions on the evidence, and those opinions were incorporated into the draft Report printed with the Evidence. He would point out, too, that the House was not about to nominate the same Committee that sat last year. The President of the Board of Trade, for instance, would be unable to attend its meetings, and another Member had, he believed, been unfortunately removed by death. All the evidence had been before the country for two or three months, and anyone who chose to read it might make himself master of the whole facts of the case. He might remark that he was expressing not only his own opinion but the opinion of other hon. Members who represented other large constituencies, when he stated that there was a feeling of uneasiness—he would not say of distrust—at the unnecessary delays which the Government had introduced into this matter. One word about the Bill itself. It happened that in the county he came from, in several local governments in the small towns the Ballot was already in operation in substantially the same manner as was proposed by his hon. Friend's (Mr. Leatham's) Bill. He might mention in particular Maryport, where it had worked so well that, although there had sometimes been excitement at the municipal elections, the common remark of all the gentlemen he knew in the town, many of them staunch Tories, "innate and invincible" like his hon. Friend opposite (Mr. Liddell) was that they could not do in Maryport without the Ballot. The same system was also in operation at Workington and Whitehaven. He thought, therefore, he was entitled to express his opinion that his hon. Friend proposed to introduce good machinery for effecting the object he had in view. He hoped the Government would no longer hesitate and dally with this question, in which more interest was felt than in any of the measures mentioned in the Government programme for the Session. He asked the right hon. Gentleman at the head of Her Majesty's Government, who had been generously trusted by the people, to trust them in return, and to give them that protection in voting which he believed had been granted to every other civilized nation in the world.

MR. HIBBERT said, he thought that something might be urged in justification of the hon. Member's (Mr. Leatham's) introducing his Bill at the present time. It was all very well for hon. Gentlemen opposite to say that the hon. Gentleman thereby showed disrespect to the Committee, but let them reflect on the position he would have been placed in if he had waited for the Report. If the Report were in favour of the Ballot, the hon. Gentleman would have been unable to bring in his Bill at all, because, had he done so, he would then perhaps be said to show disrespect to the Government. If, however, this Bill were now read a first time, the Government would, in the event of the Committee reporting in favour of the Ballot, have the advantage of the well-considered clauses contained in this measure, and would be able to decide whether they would adopt the proposed machinery, or whether they could frame a better Bill of their own. On these grounds he hoped the Bill would be allowed to be read a first time to-night, though he trusted his hon. Friend would agree to postpone the second reading until the Report of the Committee had been laid on the Table.

MR. EYKYN said, the Committee last Session held 27 sittings, examined 80 witnesses, and asked upwards of 13,000 questions, and he thought it would be paying that Committee a very bad compliment, after their very laborious work, not to await their Report. He should, however, be glad to hear the noble Marquess (the Marquess of Hartington), who presided over the deliberations of that Committee, state when he would be in a position to place that Report before the House. He believed that if the Ballot were not adopted before the next election, those who occupied the Liberal Benches would find that they had lost many supporters, and he should, therefore, do all in his power to aid in its speedy adoption. He regretted very much that the Ballot was not mentioned in the Speech from the Throne. Recently in his own county an election, though only of a coroner, had miscarried, and much bribery and corruption had been exercised, in consequence of the absence of some such provision as that proposed.

MR. MELLY said, that as there were no doubt considerable mechanical difficulties in the way of working the Ballot, its speedy adoption would be a great advantage, because they would be enabled to judge before the next General Election, by the elections which might be held during the next two or three years, of the efficiency of the system they might think it right to adopt.

MR. LEATHAM, in reply, said, hon. Gentlemen opposite must forgive him if he declined to take advice as to the conduct of this measure from those who prefaced their observations by the declaration that they never had voted and never would vote for the Ballot. Nothing could be further from his intention than to act disrespectfully to a Committee of which he was a Member. On the contrary, he believed the labours of the Committee which had been engaged upon this question to be exceedingly valuable, but he could not shut his eyes to the fact that for all practical purposes that Committee had already reported. They had the Report of his noble Friend (the Marquess of Hartington) and the Report of the President of the Board of Trade, as well as four strings of Resolutions to be moved by Members of the Committee. In fact, the Committee had reported everything which anybody was anxious should be reported. The only reason why they had not hitherto presented a formal Report was because of the other matters which were referred to them for consideration. At the same time he thought that under the circumstances he should best meet the wishes of the House by acquiescing in the proposal of his noble Friend, and at once assenting, if the House would allow his Bill to be read a first time, to the postponement of the second reading until the Report of the Committee had been presented. He did not propose to take the second reading for at least a month from the present time.

Motion *agreed to.*

Bill to provide for taking the Poll at Parliamentary and Municipal Elections by Ballot, *ordered* to be brought in by Mr. LEATHAM, Mr. HARDCASTLE, Mr. HIBBERT, and Sir HARCOURT JOHNSTONE.

Bill *presented*, and read the first time. [Bill 23.]

MARRIED WOMEN'S PROPERTY (No. 2) BILL.

LEAVE. FIRST READING.

MR. RAIKES, in moving for leave to bring in a Bill to protect the property of Married Women, said, that while few were probably prepared to deny that the property of married women was not sufficiently protected by the present law, those who had endeavoured to correct the evil had proposed to do so by measures somewhat revolutionary and sweeping, but which, nevertheless, were calculated only to lessen and not totally to cure the evil. In the Bill of last Session, for instance, no precaution was taken to protect the interests of the children in case the wife felt disposed to yield to the encroachments of the husband, nor did it protect the interests of the children against the extravagance of both the husband and the wife. In the Bill which he now asked the leave of the House to introduce it was proposed that the property belonging to the wife at the time of the marriage, or subsequently acquired by her by deed of gift or by bequest, should be in the first instance vested in the husband as her trustee, but that the wife should, when she felt herself aggrieved, have the power of applying to a County Court judge for the purpose of having the property vested in a fresh trustee. It was proposed, too, that when the wife could show that during the previous six months she had earned the greater portion of what was contributed to the support of the family her earnings should be entitled to protection, and in regard to property of this description, she should, if she obtained such protection, be treated as a *feme sole.* The difference between this and previous measures would be understood from the statement that it was here proposed to interfere between husband and wife only when there was a presumptive necessity for such a proceeding. He would only call attention to one other provision, and that was one which enacted that all postnuptial settlements made by the husband, being a trader, upon his wife or children, should be registered in the Court of Chancery as a protection to creditors. Some such provision it was suggested last Session by the hon. Member for Dover (Mr. Jessel) to insert in the Bankruptcy Bill, but in that measure it was felt to be out of place.

MR. RUSSELL GURNEY said, he did not intend to offer any opposition to the introduction of the measure proposed by his hon. Friend, for he thought that it would be better that both Bills should be discussed at the same time. He was aware that the Bill which he introduced last Session had been described as revolutionary; but it was quite new to have to hear that it did not go far enough. He could not help thinking that if that was the objection to his Bill, his hon. Friend would have done better to have proposed some Amendments in Committee, instead of endeavouring to throw it out on the third reading.

Motion *agreed to.*

Bill to protect the property of Married Women, *ordered* to be brought in by Mr. RAIKES, Mr. STAVELEY HILL, and Mr. WEST.

Bill *presented,* and read the first time. [Bill 22.]

POOR LAW (SCOTLAND).

MOTION FOR A SELECT COMMITTEE.

MR. CRAUFURD moved for the appointment of a Select Committee

> " To inquire into the operation of the Poor Law in Scotland, and whether any and what amendments should be made therein."

MR. DYCE NICOL said, that he did not rise to oppose the reappointment of the Committee, but to express a hope that its attention would this Session be more directed to the operation of the Poor Law in the agricultural districts of Scotland, for he found that out of twenty-three witnesses examined last Session, there was only one inspector of a purely rural parish. In the voluminous evidence laid on the table of the House, it appeared that several philanthropic gentlemen had given their theories on the principle of the present Poor Law, from which he humbly thought there could be no practical result, but he was glad to find that the evidence generally was calculated completely to refute the exaggerated statements which had been made as to the operation of the Act of 1845, and the House would look forward with interest to the Report of the Committee, founded on the evidence laid before it.

MR. CRAUFURD explained that it was only want of time that prevented the examination of more witnesses of the kind to which the hon. Gentleman had referred.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the operation of the Poor Law in Scotland, and whether any and what amendments should be made therein."—(*Mr. Craufurd.*)

And, on February 18, Committee *nominated* as follows:—Mr. CRAUFURD, The LORD ADVOCATE, Sir ROBERT ANSTRUTHER, Mr. ANDERSON, Mr. ARMITSTEAD, Mr. CAMERON, Sir EDWARD COLEBROOKE, Mr. ELLICE, Mr. CRUM EWING, Mr. ORR EWING, Mr. FORDYCE, Mr. GORDON, Mr. JOHN HAMILTON, Mr. LOCH, Mr. MACKINTOSH, Mr. M'LAGAN, Mr. MILLER, Sir GRAHAM MONTGOMERY, Mr. PARKER, Mr. ARTHUR PEEL, and Sir DAVID WEDDERBURN:—Power to send for persons, papers, and records; Five to be the quorum.

MERCHANT SHIPPING BILL.

RESOLUTION. FIRST READING.

Acts *considered* in Committee.

(In the Committee.)

MR. SHAW-LEFEVRE said, he rose to move that the Chairman be directed to move the House that leave be given to Bring in a Bill to consolidate and amend the Laws relating to Merchant Shipping. It had been the intention of his right hon. Friend the President of the Board of Trade to introduce the two Bills of which he had given notice; but, unfortunately for their interest and for other considerations, indisposition had made it necessary for him to abstain from work for a short time; and as in the press of other work it was undesirable there should be delay he must ask the House to accept him as a substitute. The Bill which he should introduce would be substantially the same as that which he had introduced at the close of last Session. The interval, however, had not been wasted; much labour had been bestowed upon its clauses; they had had the advantage of numerous suggestions, some of which had been adopted, and he had himself made personal inquiries upon the subject at many of the most important seaports. No effort had been spared to make the measure as complete and satisfactory as possible; and when he added that Mr. Thring and Mr. Farrer, who had had the preparation of the Bill, were also concerned in the great measure of 1854, and that they had brought to bear upon it all their subsequent experience, the House would understand that they had the best advisers. The Bill itself would be somewhat altered in form; instead of being one continuous measure, it would be divided into fourteen separate parts, each of which would be a complete Act in itself, but they would all form portions of one statute, and would be bound together; but it would be possible to obtain each separately for purpose of use and reference. These fourteen chapters would deal with all the questions affecting shipping from their first registration, the provisions as to masters, seamen, pilotage, lights, buoys, and the provisions as to wrecks. For these matters it would be a complete code of all the existing statute law affecting ships, with one exception,—namely, the regulations affecting passenger vessels. There were now pending negotiations with the United States for a common system of rules for emigrants, and in the meantime the Emigration Commissioners were unwilling to include their provisions in this measure. On introducing the Bill last Session, he made some statements to the House, and promised additional statistics, showing the progress of our shipping. These had been prepared, and would shortly be in the hands of Members. They were, for the most part, continuations of Returns which were prepared for Mr. Lindsay's Committee of 1860, at a time when it was thought that our shipping was in a very depressed and unhealthy condition. These figures would show that he was justified in saying that at no time in the history of this country had our Merchant Marine been so pre-eminent. Not only had the increase since 1861 been actually very great, but relatively to other countries it had been still greater. In America a Committee of Congress had recently been inquiring into the decline of their commerce. The evidence taken before it showed that this decline had been rapid and progressive, even more so since the war than during its continuance, and what remained to them of ships were in a poor condition and unequal to competition. It would be easy to find an explanation for this in their tariff. In France, again, there had recently been a debate on the state of their merchant service, and a great complaint had been made of the effect of the recent law which opened the indirect trade to foreign ships. It was shown, however, that the stationary state of their commerce was due to other causes—the high duties still levied, and especially to the endless restrictions imposed by administrative regulations, which had impeded individual enterprize and compelled their adherence to obsolete systems. On our part, our shipping had increased during the last few years more than at any other period; the increase had been 50 per cent. in the last fourteen years; but as this increase had been far greater for steamers, the proportion of work obtained had been even greater. The entrances and clearances of British tonnage in foreign trade had increased over 120 per cent., while that of foreign ships had increased 30 per cent. Our seamen in the same time had increased 27 per cent only, and the proportion of the seamen to tonnage had decreased, for steamers 2½ and for sailing vessels 1 man per 100 tons, showing a progressive economy of great importance. He might also say that the types of ships and steamers were vastly improved in size and quality. In view of these facts, and comparing our system of law and administration with that of the French, it was wiser not to interfere too minutely with the building of ships, or with the methods by which they were to be loaded, manned, or sailed; the better course seemed to be to leave shipowners to build and sail their vessels as they pleased, but subject to this—that if in so doing they caused injury or wrong to others they should be held responsible for it. It was on this principle that in the amendments of this Bill, so far as concerned ships, they had not multiplied regulations; they had simplified and made more general some of the existing regulations, and had in some cases made more clear the liability of shipowners. They had, for instance, defined it as a misdemeanour to send a vessel to sea in an unseaworthy state, so as to endanger life. Again, in the not unfrequent cases where seamen refused to proceed, alleging that the vessel was unseaworthy, or, where having put to sea, vessels put back, or where seamen were summoned as offenders, it was provided that they should have the right to call in a Board of Trade surveyor to report upon the condition of the vessel; and as the issue was, in fact, one arising out of breach of civil contract, they thought the evidence of the men themselves should be taken. They also proposed to improve the courts of inquiry into losses of vessels, so as better to elicit the cause of loss. They took power to note the draught of water of vessels leaving our ports, and this would be attempted at the instance of the underwriters. With respect to master and seamen, the case was somewhat different; they had already a most minute and lengthy code of regulations, affecting almost every possible point connected with them—their relations to their shipowners, their contracts, engagements, and discharge, their discipline and *status* abroad. As a whole, these regulations had done good, though it was a question whether they were not too minute. They proposed in many respects to improve and amend them. He would not, however, on the present occasion, describe the changes effected in this and other parts of the Bill. He did so at some length last Session, and the amendments then described for the most part remained unchanged. There were, however, a few points on which changes had been made in the proposal of last year, on which it might be desirable to make a few explanations. First, then, as to inquiries into losses of vessels and misconduct of officers. At present, these inquiries were generally held at the same time. If a vessel was lost under circumstances which justified inquiry, the conduct of the officer was at once called in question. The result was that the inquiry took the form of a criminal proceeding, and was subject to all the technical rules incident to such a case; the mouth of the officer was shut, and in many ways the inquiry was limited. Complaint was also made by officers of vessels that they were treated in a manner in which no other professional class was treated—that they were called upon to prove their innocence, and that they were liable to have their certificates suspended and their means of living taken from them for mere errors of judgment. When he was at Liverpool in the winter the case of the master mariners was very earnestly brought before him, and supported, he thought, by two hon. Members for that city. He was free to admit after the experience of the last few months at the Board of Trade that there was some ground for this complaint. He would illustrate it by two cases which had recently occurred, and which came before him on the same day. In the one case a vessel from Liverpool went out overladen, and as soon as she got out of dock she began to leak. She encountered a heavy sea, and in the neighbourhood of Holyhead the captain tried to gain the port, but did not succeed. The men wished to abandon the vessel; the captain endeavoured to dissuade them, but they persisted, and the captain and mate had to leave with them. Afterwards the vessel was picked up and saved. There was no reason to doubt that the captain had done his best, but a court of inquiry suspended his certificate, because he had not shown sufficient firmness and moral courage with his men. In another case a vessel was proceeding from Rangoon to London, and a few days after leaving port she leaked very much. The crew went to the captain and begged that he would put back into some other port, but the captain said that he thought he could get the vessel as far as the Mauritius. In a few days, however, she leaked so badly that they were obliged to abandon her. The court of inquiry found that the captain had acted in perfect good faith, and had done his utmost to save his vessel, but that he was not justified in risking the lives of himself and his crew, and they suspended his certificate for six months, which was a very heavy slur upon a captain. In one case, therefore, the certificate was suspended because the officer had not shown sufficient moral courage, and in the other because he had shown too much; so that captains were placed in an exceedingly disagreeable dilemma. He (Mr. Lefevre) was not of opinion, looking to the statute, that in either case the decision was wrong in point of law. The Board of Trade, however had thought proper in both cases to return these officers their certificates, on the ground that they ought not to have been suspended for errors of judgment; but he had felt that such cases ought not to have occurred, and would not occur if the law was more explicit on the subject. What they proposed, then, was this—that the inquiry into the loss of the vessel should be kept quite separate from that into the conduct of the officers. The inquiry into the loss of the vessel would be in the nature of an inquest, and although the Court would have no power to suspend the master's certificate, it would have power to express an opinion as to the cause of loss. Subsequently, or, indeed, at any time, proceedings might be taken against the master or other certificated officers for the suspension of their certificates, if it appeared to the Board of Trade that the officers had been guilty of misconduct; but it would be proposed that there should be a strict definition of the powers of such court, and that suspension should be limited to those cases where incompetency, gross negligence, tyranny, or drunkenness were proved against the officer. He believed this proposal would give sufficient security for the public interest, and remove a cause of complaint on the part of a most meritorious class of persons. With respect to seamen there were various changes made in addition to those pointed out last year. The evil effects of advance notes, particularly abroad, where they were often offered as inducements to desertion had often been brought to the notice of the Board of Trade. An advance note was not a legal note; it was not a bill of exchange; but if the holder proved that the seaman had consideration for it he could claim upon the shipowner. The Bill did not propose to legalize advance notes, but rather to limit their operation. It proposed to enact that in the settlement of wages no advance for more than a month should be set off. In the interest of seamen it was impossible to do away with advances altogether, but this limitation might, he thought, be desirable. Great complaints had been made that seamen's wages were not paid on the arrival of the vessel. The law was that the owner was bound to pay one-fourth of the wages on the discharge of the men from the vessel, and the remainder in five days, after which double wages were to run. It was proposed that in future wages should run till paid, or rather till discharge at the shipping office; but every facility would be given for a settlement of the amount at the shipping offices, and the subsequent remittance to the seamen through the office, so as to meet cases where the master was not in funds. He attached the very greatest importance to the early payment of wages. The mischief done by retaining men in the large seaports, and particularly London, four or five days after the arrival of their vessel was incalculable. He reckoned that 20,000 or 30,000 seamen were paid off in London every year who belonged to the northern ports, and who were detained in this way, to the advantage only of crimps and low places of all kinds. It was of the greatest importance these men should be able to return to their families as soon as possible, but now they often pledged their wages and more besides and never got home at all. Some alteration would be made in the provisions as to leaving seamen abroad. He did not propose to insist on the master in all cases leaving money in the hands of the consul to pay expenses of men discharged in foreign ports, because the numbers were so large; they amounted to 6,000 in New York, and it would be impossible to call upon the shipowners or masters to deposit money for them all. The liability of the shipowner, however, would be retained, and where it was expedient he would be called upon to pay. There were, further, more stringent provisions against crimping and wrecking, and the discipline clauses of the Bill had been carefully revised. Another subject was the great demoralization to which seamen were exposed in foreign ports. It was no use making provisions on this subject while the seamen were exposed to these demoralizing influences. This being so, they were negotiating with the American and other Governments upon the subject, and hoped that the representations made would have effect. He need not advert to the concessions made by his right hon. Friend at the Admiralty as to volunteering into the Navy and naval salvage. He hoped they would remove the long-standing complaint of shipowners. He now came to a very important question, which, he feared, would detain him at some length —namely, pilotage. The House would perhaps recollect that last year, after describing the effect of the present law of compulsory pilotage and the injustice arising from it, he proposed a remedy—that the payment of pilotage rates should be compulsory, but the employment of pilots voluntary. This system would be very similar to that in force in New York, and in some Continental countries. Like other half measures, however, it neither pleased one party nor the other. The pilots were alarmed by it; the north-eastern shipowners were not appeased by it. In the vacation further inquiries were made into the subject, and particularly at those places where pilotage was now voluntary. The result was that the Government were now in a position to say that in their opinion the time was come when compulsion to employ pilots might be dispensed with. Inasmuch, however, as the question was of great importance, and affected a large number of deserving persons, it had been thought scarcely right or fair to those persons that discussion upon it should be confined to one clause out of nearly 800; it was proposed, therefore, to make it the subject of a separate Bill, which would include clauses of a temporary character in favour of existing pilots, so that the House would have every opportunity afforded by its rules of discussing this matter apart from the larger Bill. In the meantime the larger Bill would remain in the state it was drawn last year, and at a future stage might be brought into harmony with the decision of the House on the other. Compulsory pilotage was by no means universal round our coasts; on the contrary, there were many ports in which it had never been established. In our most important ports or estuaries, however, such as the Thames, the Mersey, and the Humber, it had been in existence from an early time, got up probably in the interest of guilds of pilots established in those districts. For some years past the tendency of legislation had been to limit it wherever possible; exceptions had been made in favour of the coasting trade, and, since 1854, of vessels carrying masters with certificates of competency in the pilotage of the district; and in the case of the Thames a complex system of exemptions had grown up, so that probably not more than half the vessels entering the port were compelled to carry pilots. The most important legal consequence of compulsory pilotage was this — By the 388th clause of the Merchant Shipping Act of 1869 shipowners were relieved from any liability for any loss or damage caused by the fault or incapacity of a pilot when their vessels were within any district where the employment of such pilot is compulsory. This principle was matter of general law; the liability of a shipowner for the default or negligence of his captain, crew, and pilot, when the pilot is of his own option, depends on the general law of principal and agent; but if the law steps in and compels a person to employ another for a particular purpose there is no longer such relation, and the one is not responsible for the acts of the other. The result of this principle when applied to the system of compulsory pilotage, coupled as it was with very numerous exemptions, led to endless complications, and was fraught with great injustice. It was not too much to say that whole classes of shipowners were deprived of a remedy for losses occasioned by the fault of others when they came into collision with vessels under compulsory charge of pilots. If two vessels came into collision at the mouth of the Thames, both under charge of pilots, the one, however, coming from the west under compulsory charge of a pilot, the other coming from the North of Europe under voluntary charge of a pilot, if the first were in fault, the other had no remedy; but if the latter were in fault the owner must pay the damage. He would take the British Channel as a further illustration. At Bristol pilotage was compulsory, but it was voluntary at Gloucester. If two vessels came into collision the one going to Gloucester and the other to Bristol, and the Gloucester vessel was in fault, the owner would be bound to pay compensation, but if the Bristol vessel was in fault the Gloucester owner had no remedy. If two vessels in the coasting trade came into collision—the one carrying passengers and the other not—the one with passengers was bound to carry a pilot, the other not; there was a remedy against the one but not against the other. To the one bound to carry a pilot, to use a vulgar phrase, it was "Heads, I win; tails, you lose." It would be possible to give many cases of injustice arising from this rule. The courts of law had frequently pointed it out. In a recent case the Judge of the Admiralty Court, Sir Robert Phillimore, said—

> "I will frankly say that it appears to me difficult to reconcile the claims of natural justice to the law which exempts the owner who has a licensed pilot on board from all liabilities for the injuries done by the bad navigation of the ship to the property of an innocent owner. No one acquainted with the working of this law, which exempts the wrong-doing vessels from liability in this court, can be ignorant that it is fruitful of injustice."

The courts of law had done their best to cut down the limits of this injustice. If it could be shown that the master or any of his crew in any way contributed to the accident, as, for example, when there was a bad look-out kept, they held the shipowner liable. The shipowner was not exempted from liability unless he could show that the casualty resulted from the act of the pilot alone, or that, no act, default, or negligence of the master or crew contributed to the casualty. Notwithstanding these laudable efforts cases of hardship were constantly occurring. Another consequence of compulsory pilotage was this—responsibility was shifted from the shipowner and thrown upon the pilot, who had no interest in the ship, and who had no means of bearing the loss caused by his default; again, as the courts had been very strict in holding that any interference of the captain would involve the shipowner in responsibility for accidents, it was positively the interest of the owner that the captain and officers should abandon all control over the vessel, and give up command absolutely to the pilot, and thus the relations of captain and pilot were completely altered; the practice had grown up in many places that as the pilot came on board the captain went below, and ceased to take any interest in the navigation of the vessel. It was the opinion of most nautical men that great evil resulted from this. In most vessels, and particularly in the modern class of steamers, the captain was the person who best knew the quality of his vessel, who knew when and how to stop her, and what amount of way she would carry, which were all important in cases of collision. By leaving everything to the pilot one of the securities against accident was removed. This practice, no doubt, was one of the causes which led to the loss of the *Spindrift*, for the captain appeared to have considered that he was justified in leaving everything to the pilot. The only argument in favour of compulsory pilotage of any weight was this—that it provided a staff of competent pilots, and that without it these would be wanting. If experience or facts were in favour of such an argument, it would be a very cogent one, but fortunately they were not; experience was in the opposite direction; there was abundant evidence to show that, where pilotage was voluntary, pilots were as numerous and efficient in proportion to the requirements of trade as where it was compulsory. In the year 1860, Mr. Lindsay's Committee went carefully into this point, and the Committee—on which were the Members for Liverpool, London, and Bristol, reported unanimously in favour of adopting a voluntary system of pilotage, adding, on this point—

> "Your Committee have had the most convincing evidence that where the system of voluntary pilotage prevails the supply of pilots is more abundant, their efficiency is no way inferior, and the rates generally are lower than at any ports where compulsory pilotage is still in force. The arguments, therefore, which have been used in favour of the existing system, and the fears which have been expressed in regard to obtaining at all times or under all circumstances a sufficient supply of pilots, must give way to facts which have been adduced in evidence."

They further said that—

> "All experience proves that masters will avail themselves of the services of pilots in any navigation which is in the slightest degree dangerous."

Like many other valuable Reports, this had slumbered till now, when he much wished we could have had the help and experience of Mr. Lindsay. The case of the Bristol Channel was, however, a conclusive answer to the argument. Up to 1861 pilotage was compulsory on all ships proceeding up the Channel to Bristol, Gloucester, Cardiff, and Newport, and ships were all compelled to employ Bristol pilots. In 1861, however, the other towns revolted, and, by Act of Parliament, pilotage to all these ports, except Bristol, was made voluntary. The result had been that Cardiff, Gloucester, and Newport were now supplied with a competent staff of pilots, who were better paid than those of Bristol, and the total amount paid for pilotage in the Channel was larger than it was before 1860. The fact was, a voluntary system was even more likely to produce an efficient corps of pilots than a compulsory system, because, to obtain employment the former must prove their efficiency and be reasonable in their charges; while, under compulsion, this stimulus to exertion was wanting. For these reasons the Government were of opinion that compulsion to employ pilots might be removed, and that shipowners might be left to employ pilots or not, as they thought fit. It was not, however, proposed to sweep away all existing regulations of pilotage authorities in order to permit any and every one to pilot any vessel for any charge; great confusion and evil might result from this. It was proposed to leave a licensed corps of pilots, with regulated charges; to leave the right of licensed pilots to supersede unlicensed pilots; and to leave to pilotage authorities whatever power they now have to limit or increase the number of pilots. The question therefore remained —What will be the position of the existing pilots under this new system? How far will they be affected pecuniarily by the absence of compulsion? He had already shown that, in the case of the Bristol Channel, pilots were well employed at remunerative prices where pilotage was voluntary. The same would be the case in places where it was in future established, provided only the number of pilots was not too large. This opinion was entertained by Sir Frederick Arrow—an experienced master. What now kept up the income of pilots was the practical limitation of their number by pilotage authorities, who were in the habit of licensing only so many pilots as appeared to be necessary for the trade. If they were to license all comers, their incomes would not be maintained. It was not proposed to interfere with this practice; it would be open, therefore to pilotage authorities to proportion the number of pilots to the requirements of trade, or to reduce their numbers. It was strongly believed that the demand for pilots under a voluntary system would be maintained, and that we might safely leave the matter to the ordinary law of supply and demand. If, after one year from the time when the change was made, it should appear that the number of pilots was too large for the new requirements, and that they were not making their former incomes, although they used due diligence, the Board of Trade would, upon this being proved to them, retire from any pilotage district a sufficient number of pilots, by superannuating them out of the public funds, as would bring up the income of those who remained to their former level, the pension to be not more than two-thirds of their incomes, calculated at five years' average previous to the change. In the Humber there were about 100 pilots, whose earnings went into a common fund, which was divided among them at the end of the year. If, after one year from the change, it should appear that the pilots had made only two-thirds of their previous year's income the Board of Trade would retire one-third of them. The effect of this would be to restore the relation between the number of pilots and the amount of work and money earned. Looking to the general state of the pilotage superannuation fund, it would be considered that this proposition was a fair and generous one, and that it would relieve the pilots from fears for their future. For his part, however, he did not believe there would be much call upon the State for such pensions; the employment of pilots would continue, and we should have at work a motive power for exertion on their part far more efficient than any force which pilotage authorities could bring to bear —namely, the self-interest of pilots, who, to obtain employment, must prove their efficiency and honesty. He admitted that the effect of the measure upon the interests of the existing pilots was, to some extent, matter of opinion. There were persons who thought that the employment of pilots would be seriously interfered with, and it was certain that the change would be received with considerable alarm by the existing pilots—

a class of persons who were entitled to every consideration. The number of pilots in districts where their employment was compulsory was 1,828, and their average net incomes about £100 per annum, the incomes of the London pilots being considerably higher. The number of licensed pilots in districts where their employment was voluntary was 1,060. It was proposed, therefore, to accompany the change with clauses calculated to assist the pilotage authorities in reducing the number of pilots, should it turn out that their employment would be seriously interfered with. These clauses would not recognize any vested interests, or compensate pilots on such a principle, but would be calculated to alleviate their fears for the future. What was proposed was, that if after a certain time after the change—two years—it was proved to the satisfaction of the Treasury that the employment of pilots in a particular district had been seriously diminished, they should have power, out of funds to be voted for that purpose, to assist the pilotage authorities in superannuating a certain number of pilots, so as to reduce the number of those remaining, and to restore the balance between their avocation and the employment which was offered. In the meantime the vacancies among the pilots would not be filled up, and of course, as time passed, the number would be reduced by natural causes. Most, if not all, of the pilotage authorities had superannuation funds; and it would be by assisting these funds, either by a small grant or by annual payments, should there be necessity, that the clauses would operate. He himself believed that there would be little or no call upon the public for any such purpose; but, it seemed reasonable that when they were proposing a change which was for the public benefit, we should show consideration for the interests of those concerned, and especially for those who, like the pilots, had done their duty honourably and well. He trusted the House would excuse him for the length at which he had spoken on this point. Looking around, and seeing so many Members representing important shipowning communities, he felt that he should have to claim their indulgence and their aid on many occasions. If, however, the time of the House were to be occupied by discussion on all the points which could be raised on this many-claused Bill, neither this nor any other measure could pass in the present Session. When the Bill of 1854 was before the House, his right hon. Friend (Mr. Cardwell), with rare tact and ability, settled all its clauses with the various interests out of the House, and passed its 500 clauses through Committee in one night. He could hardly hope to do that with the present Bill, but he would venture to suggest to hon. Members that, to some extent, the same course should be tried on this occasion. He had no wish to check discussion, here or elsewhere; but he could assure them that they would find at the Board of Trade every disposition to discuss with them any part of this Bill, and a most earnest desire to co-operate with all, irrespective of party, in making it a satisfactory measure—one which would be of advantage to our seamen, and would strengthen and maintain our shipping in its present proud position. The hon. Member concluded by moving the Resolution.

Mr. STEPHEN CAVE: There are few questions of greater importance that can be brought before this House, although, certainly, when I look round upon the Benches I should say that, from their appearance at the present moment, this is not the general feeling amongst hon. Members. However, although we have not on the present occasion quantity in attendance, yet I feel sure, when I remember the importance of the constituencies, which most of the hon. Members now within the House represent, I may state that we have both quality, and, I should add, knowledge, brought to bear upon the subject. Now, Sir, there is certainly very considerable inconvenience in discussing a question of this kind without having the Bill before us, and I should have been better pleased if my hon. Friend had delayed the explanation of his Bill until the second reading, when we might have had some opportunity of seeing the various clauses it will contain. At the same time, I must say that none of us can regret having heard the extremely interesting and clear explanation which my hon. Friend has given us. I was very glad to hear the account he gave us of the Mercantile Marine. He alluded to the debate that was going on in the French Corps Legislatif the other day—one which I read with considerable care, and one which recalled to my mind those days when I first had the honour of a seat in this House, and when a similar debate took place in this House, on the Motion of the then Member for Sunderland (Mr. Lindsay). At that time we heard almost the same expression of opinion as to the future of the Mercantile Marine of this country, and the same prognostications as we heard the other day in the French Assembly. I fully believe that what my hon. Friend has stated is perfectly true, that the evils which threaten the French Mercantile Marine arise not from freedom of trade, but simply from the onerous regulations of the French Government, and this seems to be the opinion of the great part of the French speakers themselves. Now, although my hon. Friend has said something about the evils to which the seamen are exposed in foreign countries, and to restrain which I am glad to find he is making every exertion in his power, yet I am inclined to hope that what we hear about the deterioration of the Mercantile Marine exists more in fancy than in fact. However this may be, I feel certain that the efforts now being made in this country to give both officers and men of the Mercantile Marine a good technical training before they go to sea cannot fail to have the best possible effect. We have to-night, two or three times, heard measures described as not being party measures. Well, I may say that, if there ever was a measure brought forward in this House which could not by any means be a party measure, it is one such as my hon. Friend has now introduced, because the foundation of this measure was laid by the Government which preceded the one of which I was a Member. For two or three years we occupied ourselves in building a certain superstructure, and it has now fallen to the lot of my hon. Friend to crown the edifice. The late Government, although not able to bring in the very comprehensive measure which we shall soon have before us, yet did occupy themselves with what were considered the most pressing points laid before them by various deputations which I had the honour to receive on the subject. The House will recollect that we brought forward a measure for the purpose of checking scurvy, which was said to be increasing to so great an extent that it seemed almost threatening the existence of our sailors. We also introduced measures which enforced the carrying of lime-juice, which hardly existed in a genuine unadulterated state in the country, the provision of medical stores, and of proper food and water, and the enforcement of better accommodation and medical inspection of seamen; and there were certain other provisions which we made for the hearing of offences committed by seamen on board British and Foreign ships, so as to enable the offenders to be brought quickly to trial. These were some of the measures we passed, and several points my hon. Friend has raised to-night seemed to me rather like old friends. I remember perfectly well the trouble we took to prevent ships being sent to sea in an unseaworthy condition, and to obtain a regulation by which Custom House officers might know the draught of water when a vessel was going out of port, which we thought would be a very valuable regulation, and I am glad that this is to be introduced into the Bill of my hon. Friend. I am not sure that I did not bring into one of the Bills we introduced the power of seamen to give evidence in cases where ships were unseaworthy—a point which is also being introduced by my hon. Friend. This provision is exceedingly necessary, because, although it is quite true that in many instances seamen refuse to go to sea on the most frivolous and vexatious pleas, yet in other instances, where refusal is really based on justifiable grounds, it is impossible for the men to give evidence, and in fact no man has a right to go on board and receive the evidence however unseaworthy the ship may be. With regard to the courts of inquiry, I think that the separation of the inquiry into the cause of the loss of a ship from the inquiry into the conduct of the captain will also prove a very useful regulation. Whether it is proper to go as far as my hon. Friend appears inclined to go, and not to take away or suspend the license of the master of a ship in any case except that of misconduct, I have some slight doubts, because I think that for a gross error of judgment, which, in many cases, is the source of more danger than misconduct, the suspension of the certificate might well follow. I did not quite catch my hon. Friend's intention with reference to advance notes. There is no doubt there are few greater abuses in the whole Mercantile Marine than that of advance notes; but, at the same time, I do not think it possible to do away with them altogether. In many cases a seaman goes on board a ship with hardly any clothes to his back, and it is quite clear that it is absolutely necessary for him to get an advance to enable him to procure clothing. I think that no interference ought to take place with regard to the system for providing for the family, under which half his wages may be paid to his family during the time in which the sailor is away upon a voyage. With regard to the arrangements enabling a man to make payments in foreign ports, and to send over his wages from the different principal ports of Europe, and other parts of the world, I think that that is a most desirable and excellent arrangement. I shall, therefore, be glad to hear that my hon. Friend has been able to extend that practice. I am glad the original intention is not going to be carried out as to the discharge of seamen, as the case is now very different to what it was some time ago. Formerly it was only reasonable the vessels should bring back their crews, but now it is very common that a vessel should go on a sort of seeking voyage all round the world, from one port to another, calling, perhaps, at four or five different ports, and should in the end return with hardly a man of her original crew on board. That is a practice which is very common and ordinary, and I think it should not be interfered with. I think the principle which my hon. Friend has gone upon, of throwing the responsibility upon the owners and masters of ships, and, as it were, judging by results, is the true principle to go upon, and will tend to get rid as much as possible of all minute regulations and interference with details. One would hardly imagine that that would be the effect of a Bill containing 800 clauses, but I have no doubt that it is so. Then there is the question of pilotage, which is a question of much greater difficulty. In the last year in which I was in Office a Motion was made by the hon. Member for Sunderland (Mr. Candlish) on this question, and the observations which I made then showed the extreme doubt and difficulty that I felt on the subject. There is no doubt that a considerable alteration might be wisely made in the present law, especially in the port of London, where regulations exist which have been already referred to, and where a vessel coming from one part of the world is compelled to take a pilot, while a vessel from another port, but traversing the same water, is to be allowed not to take a pilot. Sometimes there is a question raised as to what is the cargo of the vessel, and whether she takes passengers or not. These regulations certainly ought to be swept away, and, no doubt, in the port of London especially, in many instances pilots are simply taken as a sort of buffer or guarantee against having to pay the expenses of any damage that may be done by the passage of the vessel up or down the river. The questions which arose as to whether the pilot or the captain was in fault led to very conflicting decisions as to what was the law upon the subject, and altogether that law at present is most unsatisfactory. At the same time I think that in the case of the port of London there ought to be some regulations or some powers given to the Conservancy to deal with these matters in certain cases. The owners of barges complain to me frequently that they have been run down by a large steamer, running at great speed up or down the river, and the pilot has no means of paying. On the other hand, anyone who sees the long string of barges, which frequently lie half across the stream, must know how extremely difficult it is to navigate the Thames, and if the barges had the power of coming upon the owner of the vessel instead of upon the pilot, the men in them would, in all probability, be still more careless than they are now. I, therefore, think that there ought to be some measure of power given to the Thames Conservancy to deal with these vessels. It has struck me that the case of the pilotage laws varies very much in different ports, and it is very difficult to judge of the case of one port from the case of another. Indeed, a doubt seemed to exist even in the mind of my hon. Friend when he talked at one moment of the profits of the pilots being greater than they used to be, and at another of the power which the pilotage authorities possessed to limit the number of the pilots if they found that the profits fell off. The doubt which occurs to most people when they examine the subject closely seems to exist even in his own mind. Take the case of the Bristol Channel. Though what my hon. Friend has told us is true in fact, still I doubt the inference which he has drawn from it. I think this a case of *post hoc ergo propter.* In regard to the Bristol Channel, my hon. Friend says that since the pilotage has been free the pilots have done better than they did under the old compulsory system. I have no doubt that that is true, but it should be remembered that within the last few years there has been an enormous increase in the ports of the Bristol Channel. Cardiff has quadrupled, or even quintupled, as a port; and Newport and Swansea have largely increased, although Bristol itself is almost stationary. The pilots, therefore, have necessarily had their business immensely increased, and yet that increase may not have been owing to the compulsory system having been done away with. Then let us turn to Liverpool. We are told that the question there is very different from what it is in other places—that the navigation is so dangerous that there must be pilots always ready at certain places, and that it would be impossible to keep them there if it were optional with the masters of vessels to take pilots or not. I do not know whether it would not have been better to have abolished it altogether in a place like the port of London, and have left it only in those places where these anomalies are not complained of, and where the authorities seem to think that pilots are still necessary, and compulsory pilotage. Then there are other questions which will have to be dealt with when the Bill is in Committee; as to pilotage funds, which are difficult and delicate questions when you throw over the present system altogether, I am glad to find that, at any rate, the masters of ships are not to have to bargain with the pilots. We are not to have the master of a ship, in a gale of wind, and on a coast which he hardly knows, bargaining with a pilot, with whom he would have about as much chance as an old woman bargaining with a cabman under the new regulations of which we have heard so much. Of course, the underwriters would protect themselves in most cases, and insist upon pilots being employed; but still we know that there is much competition among the underwriters, while the rashness of the masters of small craft is proverbial. I mention these points just as they occur to me, for, of course, I have not yet seen the Bill, and I can only say that I shall approach all these questions with the greatest desire to render what assistance I can to the Government in carrying them. At the same time, I must necessarily reserve my opinion upon the details until I see the measure. I quite agree with my hon. Friend, in the opinion that it would be impossible to discuss a Bill of this magnitude in the House itself, and that it would be necessary to come to an agreement on the greater part of it out of the House; and, of course, it would be necessary to give some time in order to enable the different parties who are interested in the matter to express their opinion upon a measure which involves such large interests. I pity my hon. Friend for having had to go through these 800 clauses, but I pity still more the unfortunate shipowners and masters who will have to master them; and I hope that, if this Bill does pass, it will render all further legislation on these points unnecessary for a great many years to come.

MR. NORWOOD said, he was glad to find that the hon. Member who had introduced the Bill had made such good use of the Recess in amending and improving it. He agreed with many of the principles laid down by his hon. Friend, and thought he was right in interfering as little as possible with the details of the business of the shipowner. He was of opinion that much might be left to the common law responsibility which attached itself to the owners of ships. With regard to courts of inquiry, their improvement was a matter of great importance, for as at present constituted they were very unsatisfactory, and that opinion was much strengthened by the incidents connected with the investigation into the loss of the *Spindrift.* He thought there ought to be as little interference as possible between the shipowner and seaman, and did not see why a shipowner should be prevented by law from making certain advances to the seaman, if both parties so agreed. As to the important question of pilotage, he considered the present measure a very great improvement on that of last Session, which he regarded as an unfortunate one. Compulsory pilotage had produced effects which were highly prejudicial in many respects. He was glad to find that his hon. Friend intended to give vested interests a fair consideration, but he would suggest that attention should be directed to the proposal for limiting the number of properly qualified pilots. He believed the true principle was to grant licenses to all who were able to prove their competency, and willing to accept the prescribed remuneration. He would wish to see the element of competition introduced into pilotage. He felt disappointed that an opportunity like the present had not been seized by his hon. Friend to effect some radical reform in the law of lights, the management of lights, and the collection of light dues, so as to meet the just demands of the mercantile community. He dare not presume to think that any advice of his at that late period would be adopted, but it would be more satisfactory if the chapter relating to lights were struck out of the Bill, and the whole subject were carefully reconsidered by the Government.

MR. GRAVES joined in the appeal made by the last speaker to his hon. Friend (Mr. Shaw-Lefevre) to consider whether it would not be better to pursue, on the subject of lights, the same course as had been adopted in regard to pilotage, and eliminate it from that Bill. He was lately at Bordeaux, when the question of the French Treaty with this country excited considerable interest among the commercial community of that port, and it was urged against the Treaty that England did not treat French vessels in respect to lights as France treated ours. He thought that objection so fair and reasonable that it made an impression on his mind, and therefore he hoped the question of lights would form a separate subject of discussion and receive the most serious consideration from Parliament and the Government. He would express his satisfaction at hearing for the first time that the Board of Trade intended to retrace its steps by giving up that system of over-legislation in respect to our Mercantile Marine which it had so long pursued, and by throwing the responsibility on the proper shoulders—he meant those of the shipowners themselves. If that principle had been followed, not only with the shipowners but with the seamen, he believed both would be better able to take care of themselves. With reference to courts of inquiry into casualties, he thought the suggestions thrown out by his hon. Friend were great improvements. It was important in the interest of the public that those inquiries should be as searching as it was possible to make them, that they should be conducted in accordance with constitutional law, and that the evidence taken at them should be of the character of that ordinarily taken in the constituted courts of this country. Again, it was felt in the interest of the officers of the Mercantile Marine that legislation on this point had been most exceptional. Those officers were singled out and their means of livelihood was taken from them upon errors of judgment—a penalty to which no other class of the community was subject. The result was that the greatest feeling of irritation existed among them against the Board of Trade particularly, and they had regarded those acts and laws as little short of oppression. He was sure that a change to the courts on which the jurisdiction of the Admiralty had been conferred would be received as a great boon by the officers of the Mercantile Marine. However, in framing the various heads of offences, care ought to be taken that incompetency was not treated as error of judgment under another form. Again, men ought not to be criminated by their own admissions to the Receivers of Wrecks. The Receivers of Wrecks all round the kingdom had the power of putting a series of questions to the officers of ships to which casualties occurred, and of using afterwards at courts of inquiry the evidence thus obtained to criminate the men who had given it. In the changes about to be made that should be carefully guarded against. Another point in connection with those courts was, that he hoped the Board of Trade would keep the appeal in its own hands. Let that Board initiate the proceedings, and be the prosecutor to put in force the machinery of the law, and there leave it. It was most important that a good feeling should exist on the part of the Mercantile Marine towards the Board of Trade, which watched over it, and that the feeling of antagonism so long entertained in regard to it should entirely cease. If, however, that Department still kept the appeal in its own hands, that feeling of animosity would not be allayed. If the High Court of Admiralty itself reviewed the proceedings of the courts below, it would be looked upon as a much more satisfactory court of appeal than the Board of Trade. His hon. Friend had referred to the views of the Committee of 1860 on compulsory pilotage. That Committee expressed a strong belief that the voluntary system might be applied to most parts of the kingdom; and when a Motion was afterwards brought forward—he thought, by the Chairman himself—for the abolition of compulsory pilotage in all ports, only one Member of the Committee was found supporting him, thus showing pretty clearly what the feeling of the Committee of 1860 was on the subject. He was not aware that any further evidence had been placed before the House on the question from that hour to this; and before they were called upon to make a great and serious change in regard to it he thought they ought to have some additional evidence. He most freely admitted the anomalies of the present system, which produced great injustice and inequalities; and he went entirely with his hon. Friend in desiring to place the liability on a clear and intelligible basis. It was not so now. His hon. Friend said he would put the responsibility on the shipowner by doing away with all compulsory pilotage. Now, he would say, let the responsibility rest on the shipowner, and leave the local authorities to act as they thought proper, and, in accordance with the specialities and requirements of their ports, to adopt the system that would secure the most efficient pilot service. Let the pilot be treated as he ought to be—as a mere local guide; let him be the adviser of the captain to point out where are the shoals and the channels, what are the sets of the tide and the currents, and the depth of the water. If the duty of the pilot were confined to these things, they would get rid of the idea that when the pilot stepped on board he was to have the entire control of the ship. The captain should never give up the control of his ship. He knew her specialities, and, under all circumstances, he should be made responsible for her navigation. He knew it would be said that there would be a great difficulty in making the captain so responsible, and at the same time preserving a compulsory system of pilotage; but, in his opinion, the two things were quite compatible with one another. He held that for the protection of life and property, and even in the interest of the shipowner himself the captain should be responsible. Shipowners knew that when they carried troops or emigrants conditions were placed on them in respect of extra boats and extra fittings of various kinds; but the compulsion to furnish all those articles was quite compatible with the liability falling on the shipowner under all circumstances. In the State of New York pilotage was compulsory. For the owner of a steam-tug to enter or leave the port of New York without a pilot was a misdemeanour, but only last year the Supreme Court decided that the owner was liable, even though there was a licensed pilot on board the ship. In our own Navy, when a pilot went on board a ship he never took the command. He stood by the side of the commander and assisted him as a speaking chart. In his Bill of last year his hon. Friend the Secretary of the Board of Trade admitted the difficulty of abandoning the system of compulsory pilotage. He then feared that if he interfered with the incomes of the pilots he might diminish their efficiency, and he required that payment should be made even in those cases in which there was no pilot on board. He (Mr. Graves) hoped hon. Members would not be led away with the idea that because free pilotage had been found to answer in some places it would answer everywhere. Allusion had been made to the east ports, but they were quite contiguous to the sea. There was nothing but a simple bar to be crossed, and the invariable practice in those ports was to use a steam-tug. So slight was the necessity for a pilot that the charge for pilotage was only from 1*s.* to 1*s.* 3*d.* a foot. He now came to the Bristol Channel, on which there was a larger number of pilots now than there was ten or twenty years ago; but it must be remembered that at Cardiff the shipping had tripled itself within the last twenty or thirty years, and that half of the whole of the pilotage was derived from piloting vessels in and out of dock through a straight passage a mile or two in length for that port. Queenstown had also been mentioned in illustration of the success of the free system of pilotage; but at Queenstown the pilot boats earned more money by carrying letters for houses of business than they did by pilotage. He did not think that the remuneration received by the Queenstown pilots would satisfy men in this country who had served their seven years to learn the business of a pilot; and, what was more, he did not think that they could live on such a scale of remuneration if they confined themselves to their business as pilots. He wished to say something as to the port of Liverpool, which had been generally regarded as one in respect of which there should be an exception. That port was a *cul de sac*, and vessels going in during bad weather were, for nine months out of the twelve, on a lee shore. Ships going into Liverpool met their pilots at one out of four stations, and the captains knew as well where to meet their pilots as he did where to get a cab when he was leaving that House. Even during the gale in which the *Royal Charter* went down, her pilot waited for her off Point Lynas throughout the night. The Liverpool pilots served eleven years before they got their license. During that time they passed five examinations. Their earnings when they became pilots averaged £195 a-year, and they had over £100,000 embarked in their business. They had an annuity fund of about £10,000 or £11,000, and they paid annuities amounting to about £2,000 a-year to some sixty annuitants. He held that these men had a vested interest which should not be overlooked by the House of Commons. The plan of his hon. Friend to increase the superannuation by reducing the number of pilots was not one, he thought, which would recommend itself to Parliament. In 1858 the Board of Trade approved the pilots of Liverpool being placed under the Mersey Docks and Harbour Board. On that Board were some of the leading merchants of Liverpool, and it included four direct representatives of Her Majesty's Government. The Committee of 1860 reported that the witnesses from Liverpool were in favour of the present system of compulsory pilotage, and that the pilotage of that port was conducted in a satisfactory manner. It continued to be conducted in the same manner. There were no complaints against it. Liverpool paid half, or nearly half, of the whole pilotage of this country, excluding the pilotage of London. Last year no fewer than 11,000 ships passed in and out of Liverpool, and of these only two were lost. There were two sides to this pilotage question, and he hoped the House would come to no hasty decision in the matter. In order to enable them to come to a deliberate and well-matured jndgment, ought they not to have further evidence, bringing down the experience of competent persons to the present day? He asked his hon. Friend to refer the whole question of pilotage to a Select Committee. He trusted that in any case due consideration would be given to vested interests. If the interests of the country required that the compulsory pilotage system should be abolished, of course it would have to be done away with; but if, on the other hand, it could be shown that there were certain ports in this country which preserved an efficient system of pilotage, which would be injured in the event of the compulsory system being abolished, then he trusted, in the interests of life and the security of property, that his hon. Friend would not ask the House to adopt a course that would lead to such a disastrous result.

Mr. STEVENSON said, the experience of the north-eastern districts was wholly in favour of the conclusion that an efficient, adequate, and economical system of pilotage might be maintained without the element of compulsion. He thought that in every case of wreck or disaster to ships, whether accompanied with loss of life or not, an inquiry should be instituted into the cause of the disaster, and, if necessary, subsequently as to the culpability of the officers on board, the two questions being kept separate. Such a course, would in his opinion, do much to prevent the loss of ships, by putting a check upon neglect by the owners or the officers in charge of them. It had been urged upon him as a means of preventing the disasters caused by overloading that no vessel should be allowed to sail loaded beyond the deepest safe load line marked round her hull; but there would be many difficulties in carrying such a proposal into effect, as the line of safety would vary with the season and with the nature of the cargo. Such a line, however, though not obligatory as the limit of immersion, would be a ready and always patent means of noting the depth to which a vessel was actually immersed, and more useful than the proposal that the Custom House officers should be directed to take a note of the draught of every vessel before she sailed. He must join in the regret expressed by the hon. Member for Hull (Mr. Norwood) that the Bill did not contemplate dealing with the lights round the coast, the control and cost of which should be undertaken by the Government of the country as an Imperial duty. In the event, however, of the Bill not going so far as that, it should endeavour to remedy many of the anomalies that at present existed in the lighting-house system now in force—for instance, vessels carrying small cargoes only should be placed on the same footing as those carrying ballast, and not be forced to pay the full lighthouse toll as at present, a system which strangled in their infancy openings of trade with other countries.

MR. R. N. FOWLER said, that as representative of a seaport (Falmouth) he concurred with the hon. Member for Liverpool on the question of compulsory pilotage. He spoke from his own experience in his own constituency, but he believed other hon. Members, who represented ports, could confirm what he said. The pilots were a respectable and intelligent body of men, who had spent their earlier years in educating themselves for the position they held, and had invested a large amount of capital in their business. Under these circumstances, it was most desirable that favourable consideration should be shown them. Looking at the fact that the question under discussion had not been considered by any Committee in the House since 1860, and looking to the fact that the House, as a body, was hardly a fitting tribunal to decide the matter without the assistance of a Committee, he hoped that the hon. Member Mr.Shaw-Lefevre) and the Government would accede to the request of his hon. Friend the Member for Liverpool, and would refer the question of the abolition of compulsory pilotage to a Select Committee.

MR. GOURLEY said, he hoped the Government would not agree to the proposal to refer the Bill to a Select Committee. He thought the House was quite competent to deal with the question. The large majority of shipowners were of opinion the time had arrived when compulsory pilotage ought to be abolished. The hon. Member for Liverpool (Mr. Graves) had made out as favourable a case as he could. But in reality the navigation of the Mersey was not more difficult than the navigation of the Thames. The thanks of the owners of vessels were due to the hon. Member (Mr. Shaw-Lefevre) for having brought this Bill forward. He regretted, however, that the measure did not propose to alter the existing lighthouse system, which pressed very hardly on shipowners. He knew a case where the lighthouse dues swallowed up 20 or 30 per cent of tho net earnings of the ship. There were many points in the Bill which would require to be discussed, such as the liabilities to which shipowners were subjected where collisions had occurred, and where passengers and seamen were injured. But he could not avoid remarking that a Bill of 833 clauses included an enormous amount of legislation. He thought the great evil of the shipping trade of the country was that it was subject to so much legislation, and it ought to be the object of the hon. Gentleman to reduce it to a minimum.

SIR CHARLES WINGFIELD said, he was glad to hear that it was proposed to abolish the compulsory employment of pilots and also the compulsory paypent of dues, but on the other hand he regretted to hear that it was proposed as well to supersede unlicensed pilots. Unlicensed pilots were just as good as licensed; and it appeared to him somewhat inconsistent to give discretion to owners whether they should have a pilot or not, and yet at the same time oblige them to take a licensed pilot if any. He thought it very unjust that an owner or captain should be held liable for damage for running down another vessel when he had on board a pilot, in whom perhaps the captain had no confidence, but whom he was compelled to take in preference to another in whom he had great confidence.

SIR JOHN HAY said, he desired to congratulate his hon. Friend upon the character of the Bills he proposed to introduce. To the larger Bill he had evidently devoted much attention, but the smaller Bill deserved to be considered by a Select Committee, as so much could be said upon the subject of compulsory pilotage on both sides. The subject was an important one, and even the Trinity House, the authority by which the diplomas were to be given to those persons who were entitled to act as pilots, were divided upon the subject. He thought that until it was decided that medical men might dispense with diplomas pilots should be obliged to carry certificates.

MR. SHAW-LEFEVRE, in reply, said he had to thank hon. Members for the manner in which they had spoken of the measures he proposed to submit to them. To correct some misapprehension on the subject of advance notes, he wished to explain that he proposed, not that advance notes should be illegal, but that they should be legal only for one month's pay. Under the Shipping Act, as he proposed to carry it out, in some cases the one month's advance note would be legal, while in other cases it would be illegal. It was not a legal document in the sense of a bill of exchange. The question of light dues, which had been touched upon, was exceedingly wide, and as it involved a very large amount of revenue it came rather within the province of the Chancellor of the Exchequer than of the Board of Trade. At the same time he might mention that, in accordance with a promise held out by the President of the Board upon the discussion which arose on the light dues last Session, very careful inquiry had been made into the incidence of light dues, and it was hoped that anomalies would be got rid of, and considerable reduction made in respect of some of these dues. He could not at present state the nature of the reductions, but hoped to do so on the Motion for the second reading. With regard to the Compulsory Pilotage Bill, his hon. Friend the Member for Liverpool (Mr. Graves) had stated that that port was exceptional as regarded this question of pilotage, and that the pilots there were distinguished by high ability. He quite agreed with his hon. Friend as to the conduct of the pilots at Liverpool; at the same time he could not agree with him that Liverpool was exceptional. Gloucester seemed to be of very much the same character, and yet there was an abundant supply there of pilots fully competent for their duties. On this point of fitness for the duties he might say that if any pilot, under the proposed new system, should be found to be inefficient at his post, it would be in the power of the pilotage authority to remove him. With respect to other observations of hon. Members, the number of pilots would be limited according as the pilotage authority might think fit; and there would be no lack of fully competent pilots, for the most careful investigation would be instituted into the nature of their duties and their fitness to perform them. The Bill would probably be in the hands of hon. Members in less than a week.

Motion *agreed to.*

Mr. Shaw-Lefevre

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to consolidate and amend the Laws relating to Merchant Shipping.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. BRIGHT, Mr. SHAW-LEFEVRE, and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 24.]

PROVISIONAL ORDERS BILLS (COMMITTEES) BILL.

LEAVE. FIRST READING.

MR. DODSON said, he was about to ask leave to introduce a Bill which would meet a *casus omissus* in our legislation in regard to local and personal matters. A Committee on Private Bills had the power of examining witnesses on oath and awarding costs, but Committees on Bills confirming Provisional Orders had not the power to do so. To remedy the inconveniences which sometimes arose from this state of things, he now moved for leave to bring in a "Bill to empower Committees on Bills confirming Provisional Orders to award Costs and examine witnesses on oath."

Motion *agreed to.*

Bill to empower Committees on Bills confirming Provisional Orders to award Costs and examine witnesses on oath, *ordered* to be brought in by Mr. DODSON, and Colonel WILSON PATTEN.

Bill *presented,* and read the first time. [Bill 19.]

DIPLOMATIC AND CONSULAR SERVICES.

MOTION FOR A SELECT COMMITTEE.

MR. OTWAY *moved* for a Select Committee to inquire into the Constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country.

MR. RYLANDS wished to express his gratification at the course taken by the Government in proposing a Select Committee in accordance with the recommendation he made last Session. He was not quite satisfied with the wording of the Resolution; but he presumed there was no intention of limiting the inquiries of the Committee, but that the Committee would inquire into the management of the Foreign Office as well as into the constitution of the Services, and that although no reference was made to the cost of the Diplomatic and Consular Services, the attention of the Committee would be directed to the means of securing a reduction of expenditure. When he ventured to address the House last year upon this question he referred to the recommendations of the Official Salaries Committee of 1850, and pointed out that those recommendations if carried out would have been the means of great economy, but that they had been entirely disregarded by the Foreign Office, and, in consequence, the expenditure of that Department had been continually increasing. [3 *Hansard*, cxcviii.] He moved for Returns showing the total increased charge for embassies abroad since 1851, which were laid on the table last week, and which entirely confirmed the statements he had made. The Foreign Office had drawn out the Returns in such a way as to give the impression that the increased expenditure was balanced by savings in other directions; but that was not a fair statement of the case. The increase acknowledged by the Foreign Office as having taken place since 1851, was as follows:—Upon embassies, £14,000; first-class missions; £3,550; and upon second-class missions, £3,575; making a total of £21,525. In each of these cases the increase had arisen in consequence of the disregard shown to the Resolutions of the Committee of 1850. That Committee wished to reduce the embassies to France and Turkey to the rank of missions; but instead of that, the Foreign Office had raised the missions to Russia, Austria, and Prussia to the rank of embassies, at an increased annual charge of £10,250. Another recommendation of the Committee was that no salary should exceed £5,000; but we were now paying our Ambassador to France £10,000, Turkey £8,000, Russia £7,800, Austria, £8,000, and Prussia £7,000. These items alone showed an excess beyond the amount recommended by the Committee of £15,800 per annum. The Foreign Office, in the Return now presented, justify this expenditure by referring to the recommendation of the Dipolmatic Service Committee of 1861, to the effect that the—

> "Attention of the Secretary of State be directed to the salaries and allowances of the larger missions with a view of considering whether they are adequate to meet the greatly increased expenditure of living at the principal European capitals."

But he (M. Rylands) was not disposed to consider the recommendations of the Committee of 1861 as of much value. That Committee differed entirely in its constitution from the Committee of 1850, and was certainly not of a character likely to satisfy the public. It consisted of fifteen members, ten or eleven of of whom were either officials or ex-officials, and two or three others were officials expectant. They called before them a number of witnesses connected with the Diplomatic and Consular Services, and questions were put to them which, practically amounted to asking them if they would like an increase of salary. Of course it was not to be wondered at that a Committee so constituted, and dealing with such evidence, should report in favour of increased expenditure. But the Returns presented by the Foreign Office did not by any means include the whole of the increased expenditure since 1851. They acknowledged an increase of £21,525, but in addition to that there was the charge for Third Secretaries, amounting to £2,298, and for Clerks attached to South American missions, £1,056. Nor was that all. There was the travelling expenses of the Second and Third Secretaries who were moved from one post to another every two years in accordance with the regulations adopted since the Committee of 1861. These charges must be considerable, and it did appear to him a most unreasonable arrangement to require these secretaries to leave their posts just as soon as they were likely to become familiar with the business of the mission to which they were attached, and when they might possibly have become of some use. There was also an increased charge for outfits, which rose with every advance of salary, being calculated at one-third. Consequently in the case of the five great embassies alone, the additional charge for outfits amounted to £5,000. Diplomatic pensions had also been advanced. It would be seen from the Returns that several second-class missions had been raised to the first-class, apparently without increased charge to the public. But that change under the Pensions Act of last Session would have the effect of increasing the pensions to the holders of those missions from £900 to £1,300 a-year. The calculation of these several items would undoubtedly bring up the actual increased charge for the Diplomatic Service to above £30,000 per annum in place of £21,525, as shown by the Return. But beyond all this, there were the extraordinary expenses of missions abroad, which amounted to £16,000 in 1850 and now stood at £40,000, showing an increase of £24,000 a-year. When in the course of his speech last Session, he said the accounts of these missions were so kept that they gave opportunities for fraudulent expenditure, his hon. Friend the Under Secretary for Foreign Affairs (Mr. Otway) was very indignant, and asserted that

> "Every shilling spent in the Diplomatic Service —whether extravagantly or economically—was most accurately accounted for, and audited with the greatest strictness by public officers."—[3 *Hansard*, cxcviii. 938.]

He (Mr. Rylands) did not, of course, dispute the assertion of his hon. Friend that the accounts were strictly audited. But the question was, how far could they be checked, and how far was the audit an efficient one; and upon that point he would call the attention of his hon. Friend to the evidence of Mr. Conyngham, the late Chief Clerk of the Foreign Office, before the Committee of Public Accounts in 1865. That evidence which was given conjointly with Mr. Hammond, showed how little that check amounted to—for when asked, "In the end it comes to your passing the accounts?" Mr. Conyngham answered, "We get rid of the difficulty somehow." Let them now see what the reductions as shown in the Return consisted of. They were as follows:—Missions in Italy, £6,300; Germany, £10,600; Mexico, £4,800; Monte Video, £365; and Bolivia, £365, or a total of £22,430. It would be evident to the House that the great proportion of the reduced charges arose in no way from the economy of the Foreign Office, but were necessitated by the course of events over which the Foreign Office had no control. The Italian missions were suppressed owing to the political changes in that kingdom. The same was the case in Germany, and the interruption of diplomatic relationships with Mexico had been occasioned, as was well-known by the events which had occurred in that country. These missions account for nearly £22,000 out of the alleged savings; and, in fact, the only reduction which the Government could claim credit for was that of Monte Video, which had taken place since the Motion which he submitted to the House last Session. He was very glad to see the suppression of that mission as the first fruits of the economy of the Foreign Office, and he hoped it was only the prelude of a similar suppression of the smaller missions in South America, which were maintained at a cost of £11,400 a-year. He regretted to see that notwithstanding the events in Germany the Foreign Office still maintained Secretaries of Legation at some of the smaller courts, which was a perfectly useless expense. In thus referring to the large increase in diplomatic expenditure since 1851, he did not wish to complain of the present Government. His complaint was against the management of the Foreign Office for the last twenty years. The present Government had been so much occupied since their accession to Office, that they could scarcely have been expected to deal with these questions sooner. He gave them credit for a strong desire to promote economy in the public services, and he trusted that in the appointment of this Committee, the Under Secretary for Foreign Affairs would see that it was so constituted as to secure the public confidence, and he had a full expectation that the result of its labours would lead to a considerable reduction in the expenditure, and at the same time maintain the efficiency of the Services.

Mr. SHAW said, the excess of the expenditure in the Diplomatic and Consular Departments last year was £166,000, and it was the duty of a reformed Parliament to inquire into the subject. In both these branches there was great and gross extravagance. He would remind the House that he had asked for a Committee last year. He thought that there was no ground for suspicions which had been entertained that the proposed Committee would not prove to be perfectly fair and straightforward in its inquiries. In all the communications which he had held with the Under Secretary for Foreign Affairs, he had found him to be a man of honour and candour. He accordingly regarded the promise of the Department in that light. He hoped that the Committee would be fairly selected, and that the investigation would be full, thorough, and most searching. Its result would then be to ensure economy and not only maintain, but increase the efficiency of an important public Department.

Mr. EASTWICK said, he must maintain that the increase which had arisen under the head of the Diplomatic Service had been absolutely forced on the Government. We were bound to look at our position compared with other Powers. Our Diplomatic Service was by no means better paid than that of the French. He felt confident, if the Committee went into the whole subject, it would be found that the Service was not overpaid. Having been for some years in the Service, he could declare that he had seen the greatest economy practised in it. In the junior branch there were sixty-one officers who received salaries averaging only £250 a-year each, and he would ask anyone whether, considering the qualifications required, less than that could be paid.

Mr. OTWAY, in reply, said, he had intended to preface his Motion by a short statement, but, looking to the state of the House, he thought it would have been a mere waste of time. For the same reason he must decline to follow his hon. Friend (Mr. Rylands). He begged, however, to assure them, as to the character and investigating power of the Committee, that while necessarily the Government must be represented on it, the Committee would be composed of Gentlemen who had taken an interest in the question, that the Members would be fairly selected as representing different opinions, and they would have power to investigate all the questions which had been referred to. He and the hon. Member (Mr. Rylands) would meet on the Committee, and would go into the allegations made, in the truth of which he by no means believed. The investigation would be full and complete, and it was his earnest hope and expectation that it might lead to results not only of an economical character, but also such as should conduce to the efficiency of the Diplomatic Service.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the Constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country."—(*Mr. Otway.*)

And, on February 24, Committee *nominated* as follows:—Mr. Bouverie, Mr. William Henry Gladstone, Mr. Rylands, Mr. Richard Shaw, Sir Henry Lytton Bulwer, Sir Charles Wentworth Dilke, Mr. Kinnaird, Mr. Holms, Mr. William Cartwright, Mr. Arthur Russell, Mr. Sclater-Booth, Viscount Sandon, Mr. Eastwick, Mr. Baring, Mr. William Lowther, Mr. Cameron, Mr. Frederick Stanley, Mr. Butler-Johnstone, Viscount Barrington, Mr Frederick Walpole, and Mr. Otway:—Power to send for persons, papers, and records; Seven to be the quorum.

QUEEN'S SPEECH.—HER MAJESTY'S ANSWER TO THE ADDRESS.

The COMPTROLLER of the HOUSEHOLD (Lord Otho Fitzgerald) *reported* Her Majesty's Answer to the Address, as follows:—

I have received with much satisfaction your loyal and dutiful Address.

You may rely on My cordial co-operation in the measures best calculated to promote prosperity and concord among all classes of My People, and to uphold the authority of the Law.

TRANSIT OF VENUS (1874).—HER MAJESTY'S ANSWER TO THE ADDRESS.

Answer to Address [7th August 1869] *reported,* as follows:—

I have received your Address praying that I will give directions for the carrying out of the arrangements necessary for observing the Transit of Venus, which will take place in the Year 1874*; and assuring Me that you will make good the Expenses that may be incurred thereby; and I shall give directions in accordance with your Address.*

SUPPLY.

Resolution, "That a Supply be granted to Her Majesty, *reported,* and *agreed to, Nemine Contradicente.*

NATIONAL DEBT BILL.

Resolutions *reported,* and *agreed to*:—Bill *ordered* to be brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 21.]

PILOTAGE BILL.

Acts *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish compulsory Pilotage.

Resolution *reported*: — Bill *ordered* to be brought in by Mr. Bright, Mr. Shaw-Lefevre, and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 25.]

EAST INDIA (LAWS AND REGULATIONS) BILL.

On Motion of Mr. Grant Duff, Bill to make better provision for making Laws and Regulations for certain parts of India, and for certain other purposes relating thereto, *ordered* to be brought in by Mr. Grant Duff and Mr. Adam.

Bill *presented,* and read the first time. [Bill 27.]

PARTY PROCESSIONS (IRELAND) BILL.

On Motion of Mr. WILLIAM JOHNSTON, Bill to repeal an Act intituled "An Act to restrain Party Processions in Ireland," *ordered* to be brought in by Mr. WILLIAM JOHNSTON, Viscount CRICHTON, and Captain ARCHDALL.

Bill *presented*, and read the first time. [Bill 26.]

EVIDENCE FURTHER AMENDMENT ACT (1869) AMENDMENT BILL.

On Motion of Mr. DENMAN, Bill to explain and amend "The Evidence Further Amendment Act, 1869," *ordered* to be brought in by Mr. DENMAN and Mr. LOCKE KING.

Bill *presented*, and read the first time. [Bill 20.]

House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Tuesday, 15*th February*, 1870.

MINUTES.]—SELECT COMMITTEE—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod, The Earl Stanhope *added*.

REGULATION OF MINES—REPORT OF THE COMMISSIONERS, 1862.

LORD KINNAIRD moved, That the Report of the Commissioners appointed to inquire into the condition of all Mines in Great Britain, to which the provisions of the Act 23 & 24 *Vic*., c. 151, do not apply, with reference to the health and safety of persons employed in such Mines, be reprinted without the evidence. He had hoped that the Government would have introduced some legislation founded on the Report of the Commissioners, but as they had not done so—he presumed owing to pressure of other business—and as there was a strong case for legislation, he proposed to introduce a measure himself; and he desired that their Lordships should be possessed of the information necessary before his Bill came to a second reading.

Motion *agreed to*.

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 15*th February*, 1870.

MINUTES.]—NEW MEMBERS SWORN—Edmund Dease, esquire, *for* the Queen's County; Henry Munster, esquire, *for* Mallow.

SELECT COMMITTEE—Standing Orders, *nominated*; Selection, *nominated*; Parliamentary and Municipal Elections, *nominated*.

PUBLIC BILLS—*Ordered*—*First Reading*—Irish Land [29]; War Office [30].

First Reading—Representation of the People Acts Amendment * [28].

Second Reading—Dissolved Districts and Unions * [17].

HYGIENIC SERVICES OF THE STATE.

QUESTION.

DR. LYON PLAYFAIR said, he would beg to ask the right hon. Member for North Staffordshire, Whether the Royal Commission on Public Health, of which he is the President, have inquired into the want of connection and defective organization of the various Hygienic Services of the State; and, if so, when their Report on the subject is likely to be presented?

SIR CHARLES ADDERLEY: The Sanitary Commissioners have inquired into the defective organization of authorities and confusion of the laws relating to health, but their inquiry is not yet complete. They have reported the evidence taken last year, which has just been laid on the table. They hope to make a full Report of their recommendations, including a sketch of a consolidated law and plan of complete sanitary administration for all England and Wales, except the metropolis, during this Session, so that public opinion may be expressed on it during the Recess, preparatory to legislation next year. Scientific inquiry as to the best modes of carrying out various sanitary works they postpone for the present, and entertain doubts whether public opinion is yet ripe for legislative prescription in such details.

TREATIES OF COMMERCE.

QUESTION.

MR. NEWDEGATE said, he would beg to ask the First Lord of the Treasury, Whether any preliminary engagement or any protocol, emanating from the Foreign Office or otherwise on behalf of Her Majesty's Government, connected with any proposal for the renewal of the Commercial Treaty between France and this Country, has been produced by the French Government, or otherwise communicated to the Legislature of France; whether any document or communication of the above description has been produced or made to the Reichsrath with reference to any proposal for contracting a Treaty between Austria and this Country; whether any negotiations are pending with reference to the renewal of the Commercial Treaty with France, or with reference to contracting a Treaty between Austria and this Country; and, whether any preliminary engagement, or any protocol, relating to the renewal, or to the contracting of any Treaty either with France or with Austria, has been signed by any person having authority to act on behalf of Her Majesty's Government?

MR. GLADSTONE: With regard to the first Question of the hon. Member, no preliminary engagement, or protocol, or document of any description whatever, proceeding from the British Government or the Foreign Office, has been laid before the French Legislature with reference to the English Commercial Treaty, because there is no such document. I do not at all mean to infer that there might not have been, because it is perfectly possible that there might; but there does not exist any such document. With regard to the third Question, no negotiations whatever are pending with reference to the renewal of the Commercial Treaty with France, and, as I have no doubt the hon. Gentleman is aware, the Treaty has not expired, but has reached such a period of its existence that it is in the power of either country, after a certain notice, to put an end to it. What has been going on in France with respect to this subject has been communicated to us by Her Majesty's Minister there; but the British Government have not thought it would be for the good of either country, or for the advancement of the principles involved, that they should attempt any direct interference in what has hitherto taken place. With regard to the Austrian Reichsrath, the case is quite different from that of the French Legislature, because for several years negotiations, intermitted at times and at times making forward movement, have been carried on between the two Governments, and have taken effect in the shape of a treaty, and I have no doubt that numbers of Papers relating to all these questions have been laid before the Reichsrath. The negotiations with Austria have been brought to a conclusion, and only wait for formal ratification. When the stage of ratification has been reached, the treaty will be laid before Parliament; it will then be open to Gentlemen to ask for Papers, and the usual course with reference to those Papers will be pursued.

MR. NEWDEGATE asked whether the Papers had been communicated to the Reichsrath anterior to the ratification?

MR. GLADSTONE: I think it is highly probable that they may have been. Our practice in this country with respect to negotiations of this kind is, that they are usually made known to Parliament only when they have reached their conclusion. Whether that is the case in Austria I cannot say; but it is perfectly possible that the Papers may have been presented, before in consequence of difference of usage.

HIGHBURY BARN AND THE POLICE.

QUESTION.

MR. W. M. TORRENS said, he would beg to ask the Secretary of State for the Home Department, Whether any steps have been taken, by a more efficient organization and disposal of the Metropolitan Police, to prevent the occurrence with impunity of aggravated disturbances like those which took place at Highbury on the morning of the 6th November last?

MR. BRUCE, in reply, said, that in consequence of what had happened on the 5th of November, 1868, there were reasons for apprehending some disturbances on the part of the frequenters of Highbury Barn on the same day in 1869. A number of police were, therefore, told off to prevent such disturbances. Unfortunately, a great fire broke out in the immediate neighbourhood, and immense numbers of persons went to see the fire, and among them the police thought that the rioters were likely to be found, and the police consequently made off to the fire. This did not prove to be the case as they expected, and a number of riotous young men made their appearance in the streets from the gardens of Highbury Barn, and perpetrated outrages. Various attempts were afterwards made to identify these persons, but, he was sorry to say, without success. Since that time, whenever there were any festivities at Highbury Barn, an additional force of police was posted there. That was the case on the previous night, and he was happy to say that no riot took place.

NAVY—SECRETARY'S DEPARTMENT AT THE ADMIRALTY.—QUESTION.

Lord HENRY LENNOX said, he would beg to ask the First Lord of the Admiralty, When he will be prepared to lay upon the Table of the House the Report of the Committee on the re-organization of the Secretary's Department at the Admiralty, which he had promised to produce last April or May?

Mr. CHILDERS, in reply, said, that at the present moment there were with the printer very voluminous Papers on the reorganization of the Admiralty for which he had moved. Some of these Papers had been completed only very lately, but in a few days they would all be laid upon the table. The particular Report to which the noble Lord had alluded was one of great detail; but all the important parts of it had been embodied in a letter which had been sent to the Treasury, and which would be among the Papers laid upon the table of the House. If the noble Lord would wish to see this Report he might have a copy, and he would then see whether it was worth printing.

POOR LAW—DISTRESS IN LONDON.

QUESTION.

Mr. JOHN TALBOT said, he would beg to ask the President of the Poor Law Board, Whether his attention has been drawn to the large number of deaths reported within the last few weeks in the Metropolis, upon which the coroners' juries have returned a verdict of "Death from starvation or insufficient food;" whether he is aware of the overcrowded condition of many of the London workhouses, and of the labour-yards attached to them; and, whether Her Majesty's Government have any measures in contemplation for the investigation and relief of the distress now prevailing in the metropolitan district?

Mr. GOSCHEN, in reply, said, that on being asked whether his attention had been drawn to the deplorable circumstances to which the hon. Gentleman alluded, he felt very much as a man might feel who, in the midst of a tremendous struggle, was asked whether he knew that he had an enemy in front of him. The attention of the Poor Law Board had been unremittingly directed to the state of pauperism in the metropolis. As regarded those cases of starvation, the hon. Member — who was himself the chairman of a metropolitan Board of Guardians, and a very active one—must be aware that the Central Board had no power whatever to deal with isolated cases. That part of the administration of the law rested with the relieving officers and the Boards of Guardians; and the only way in which, as it seemed to him, those casualties could be avoided was by increasing the staff of relieving officers—the most efficient mode of improving the organization for poor relief—and a policythat had been recommended incessantly to Boards of Guardians by the Poor Law Board. With regard to the second Question—namely, as to the overcrowded condition of the London workhouses, he was sorry to say they had been overcrowded for the last three years. The Poor Law Board had been insisting all that time—his predecessors as well as himself—on the erection of further workhouses; but it had been a very slow work. It might, however, be satisfactory to the House to know that in the year now commenced 7,000 beds would be added to the workhouse accommodation in the metropolis, and in the succeeding year 4,000 more, if all the arrangements now in progress were carried on with fair activity. Thus 11,000 beds in the aggregate would be added to the accommodation sufficient to hold space in which 33,000 or 34,000 were now packed. As to the last Question—namely, whether the Government have any measures in contemplation for the investigation and relief of the distress now prevailing in the metropolis—he could assure his hon. Friend that the facts were all known; they could be placed before the House, and he should be prepared to facilitate such inquiries as the hon. Gentlemen might wish to make in every respect. But it was not by inquiries that they would be able to remedy that distress. If the hon. Member meant to ask whether the Government had in contemplation any exceptional Acts of Parliament by which the distress of the metropolis could be relieved, he must frankly state they had not, nor did they believe that any such Acts of Parliament would remedy it; but, on the contrary, that if any special relief were given in the metropolis, it would tend to heighten the operation of those causes which for some time past had been attracting pauperism to the metropolis.

POOR LAW—INQUIRY AT ST. PANCRAS.

QUESTION.

MR. EYKYN said, he would beg to ask the President of the Poor Law Board, Under what circumstances was the inquiry held at St. Pancras Workhouse by the special inspector, Mr. Bere, Q.C., brought to an abrupt termination before all the matters in question had been fully investigated?

MR. GOSCHEN, in reply, said his hon. Friend was misinformed if he thought that anything connected with St. Pancras Workhouse had been brought to a termination, abrupt or otherwise. Two inquiries were suggested, one of which had been concluded, and the other had not yet commenced, being suspended on account of the sudden disappearance of an important witness. But on the day on which the hon. Gentleman might have seen in the newspapers the alleged extraordinary termination of the St. Pancras inquiry, the inquiry had not terminated, and the notion that it had done so resulted from a misunderstanding.

POLICE SUPERANNUATION BILL.

QUESTION.

MR. BOLCKOW said, he would beg to ask the Secretary of State for the Home Department, Whether he intends, during the present Session, to bring in the Police Superannuation Bill promised last year; and, if so, at what time he is likely to do so?

MR. BRUCE, in reply, said, a Bill on that subject was now in course of preparation; but he was sorry he could not state when it would be introduced.

TRANSIT OF LIVE STOCK.—QUESTION.

SIR ROBERT ANSTRUTHER said, he would beg to ask the Vice President of the Committee of Council, What steps have been or are about to be taken by the Government, in pursuance of the powers given to them by section 75 of the Act, c. 70, 32 & 33 Vic., for regulating the transmission of Live Stock by Land or Sea, with a view to mitigating the injuries at present inflicted upon animals by the want of proper accommodation, as well as from the want of any due arrangements for feeding and watering them during transit?

MR. W. E. FORSTER, in reply, said, that his noble Friend (Earl De Grey) being anxious to carry out the Act of last Session, and the wishes of the House in that important matter, and also to obtain all the facts before taking any steps, appointed a Departmental Committee immediately on the passing of the Act, to go into the whole question, to take evidence, and make suggestions with regard to it. He (Mr. Forster) was sorry to say the Report of the Committee had not come before them as soon as they had hoped it would; but that arose solely in consequence of the laborious nature of the investigation the Committee had to make, for the Committee had attended to the matter with great assiduity. The Report had only just been received; but the evidence was not yet printed. As soon as the Government had received the evidence the subject would be taken into their most serious consideration.

THE CONVENTION WITH CHINA.

QUESTION.

MR. AKROYD said, he would beg to ask the Under Secretary of State for Foreign Affairs, If he is aware of the strong objections raised by the China merchants, both in China and in this Country, to the terms of the Supplementary Convention to the Treaty of Tien-Tsin, negotiated by Sir Rutherford Alcock, Her Majesty's Ambassador in China; and whether or not the Government will delay the ratification of that Convention until the opinions of British merchants engaged in the trade have been fully ascertained?

MR. OTWAY, in reply, said, Her Majesty's Government were anxious to learn the opinions of the Chinese merchants, both in this country and in China, on so important a matter as the supplementary Convention to the Treaty of Tien-tsin. One of the articles of the Convention provided for its ratification at Pekin; and therefore the Government would have an opportunity of learning the opinions of the merchants before the ratification occurred.

IRELAND — MUNICIPAL AND PARLIAMENTARY FRANCHISE.—QUESTION.

MR. W. JOHNSTON said, he would beg to ask the Chief Secretary for Ireland, Whether it is his intention this

Session to introduce a Bill to assimilate the Municipal and Parliamentary Franchise in Ireland?

MR. CHICHESTER FORTESCUE, in reply, said, he had not been able to give his attention to that subject during the Recess, and he greatly doubted whether he should find it possible to do so during the Session.

CONTAGIOUS DISEASES (ANIMALS) ACT. QUESTION.

MR. READ said, he would beg to ask the Vice President of the Council, If he is aware that such doubts exist as to the power of summary jurisdiction of justices under the Contagious Diseases (Animals) Act, that the Norwich and other magistrates have declined to hear any summonses under the Act; and if he will take steps to remove the uncertainty which now exists; and if, when the local authorities ask information from the Veterinary Department of the Privy Council, an answer, stating "that it is not within the province of this Department to interpret an Act of Parliament," is all the aid local authorities are to receive from the Privy Council in carrying out the Act and Orders for suppressing contagious diseases among cattle?

MR. W. E. FORSTER, in reply to the first Question, stated that the Privy Council officers were aware that some doubts had been expressed as to whether summary jurisdiction was actually given by the Act of last Session. He did not suppose there could be a doubt in any man's mind that a summary jurisdiction was intended to be given. It had been their duty to consult the Law Officers of the Crown on the point, and they were advised that such a summary jurisdiction does exist. He was aware that some magistrates at Norwich and other places did for a time refuse to grant summonses under the Act, and upon that decision an application was made by the town clerk of Norwich in the Court of Queen's Bench, by which tribunal the rule was made absolute. Under these circumstances the Government had not deemed it necessary to take any steps in the matter. In answer to the second Question, he could assure the hon. Gentleman that it was neither the intention nor the practice of the Privy Council to refuse assistance in the carrying out of that difficult Act. With regard to letters from the Veterinary Department referred to, he found that there was one letter which, purely by accident he believed, contained only the statement mentioned by the hon. Member. But, generally speaking, the reason why there had been no interpretation of that Act given was because it was the practice of the Privy Council, acting under the highest advice, not to attempt to give an interpretation of an Act of Parliament which might be disputed, and might only mislead, as it would not be an authoritative interpretation, and would have no force in a court of law. The directions issued to the officers of the Veterinary Department—which he had full reason to believe had been carried out—were to give every assistance in their power where any question as to fact was asked, and simply to decline to answer when an interpretation was sought that might mislead. He might mention that the Act had been sent round, with explanatory notes prepared with very great care, to more than 3,000 of the authorities concerned in the country, it being at the same time clearly stated that the notes were explanations and nothing more. He should be sorry if the House supposed the Department were not doing the utmost in their power to enable the Act to be carried out.

GAME LAWS (SCOTLAND).—QUESTION.

MR. M'LAGAN said, he would beg to ask the Lord Advocate, Whether he will, in the course of the present Session, introduce a Bill to amend the Laws relating to Game in Scotland?

THE LORD ADVOCATE, in reply, said, it was his intention to bring in such a Bill.

BRIDGWATER BRIBERY COMMISSION. QUESTION.

MR. DENMAN asked the Home Secretary, When the House would be put in possession of the Report and Evidence of this Commission?

MR. BRUCE said, he was sorry he could not answer that Question without notice. The Report was now in the printer's hands.

IRISH LAND BILL.

LEAVE. FIRST READING.

MR. GLADSTONE, in rising to move for leave to bring in a Bill to amend the Law relating to the Occupation and Ownership of Land in Ireland, said: Twelve months, Sir, have not yet fully passed since it was my duty to submit to this House a measure of the greatest consequence and difficulty with reference to the Church of Ireland. At the time when that measure was introduced we were told from many quarters that the Church was not the subject which really involved the welfare and happiness of the Irish people, or which went closest to the root of the Irish difficulty. Nor did we at any time deny the justice of that representation. We were sensible that behind that heavy labour there remained for us a labour probably heavier still; because it must be one where we should not have the advantage of that definite guidance and support which, in relation to the Church question, we thought and found we should derive from the clear, established, and familiar convictions of the majority of the people. But, Sir, if I refer to this subject now, it is in the hope that those who then thus truly spoke will now approach the consideration of the Irish Land Tenures full of the feelings that they then expressed, and will bring home to themselves the vast importance of a subject which touches the material, the domestic, the daily condition directly, perhaps, of a majority of the population of Ireland, and indirectly of the whole of that population; and which, through the population of Ireland, and through the happy or unhappy results that may flow from our legislation, has a direct and a vital connection with the happiness and the stability of the Empire.

Sir, we must not disguise from ourselves that the difficulties of this weighty question have been greatly aggravated by delay. And it can be no wonder, if we reflect on the nature, the constitution, and the duties of the British Parliament, that it should occasionally fall short of the perfect performance of those duties. The operations of the Parliaments elected under the Reform Act of 1832 were in themselves so remarkable, so searching, so comprehensive, and so beneficial, that I think I shall not be deemed to cast any reflection on them, if I sorrowfully admit that neglect is chargeable upon them in respect to the question of Irish Land Tenure. It is, indeed, Sir, but too true, that in connection with the Constitution of the British Empire, and with the world-wide extension of its concerns, which touched on almost everything affecting the human race in all quarters of the globe, shortcomings must from time to time be found. We have undertaken more, I believe, than any other people in the history of the world ever undertook; and it is no wonder if, under these circumstances, a people overcharged have likewise overtaxed the Parliament, and if the consequences of that overtaxing should be sometimes apparent in legislative neglect. Undoubtedly, that is the case in this instance. It was in 1833, I believe, that Mr. Sharman Crawford first called the attention of the House of Commons to the grievous condition of the occupiers of the soil in Ireland; and when, in 1843, he repeated that representation, so struck was Sir Robert Peel and so struck were his Government with the truth and force of the case, that they appointed a Commission—a well and wisely constituted Commission—to inquire into the subject of the occupation of land in Ireland. In the year 1845 the Commission reported; and it not only reported, but it had accumulated a mass of valuable and important evidence, and it also tendered most weighty recommendations. Now, had those recommendations been acted upon at the time, it is probable that at this moment no Irish land question would be before the House for discussion. I do not say that they would have removed every difficulty, but certainly they would have removed so much of the difficulty that the removal of the remainder would have been easily and promptly accomplished.

And, Sir, the person whose duty it was, on the part of the Government of Sir Robert Peel, to recommend to Parliament in the name of his Colleagues an immediate compliance with the recommendations of the Commission was the late Lord Derby, then a distinguished member of a Conservative Government, and since the brilliant Leader of the Conservative party. In the speech of Lord Derby, delivered by him in 1845, as the organ of the Conservative Government, we have the great repertory from which have since been chiefly drawn the arguments of those who have urged upon Parliament the necessity of legislating upon the occupation of land in Ireland. Sir, most unhappy has it been that those recommendations have not been followed. I do not now speak of the amount of blame to be divided as between one party and another, or as between one person and another; probably none of us who have sat in Parliament since that epoch are altogether exempt from responsibility. But what I hope is, that having witnessed the disaster and difficulty which have arisen from this long procrastination, we shall resolve in mind and heart by a manful effort to close and seal up for ever, if it may be, this great question, which so intimately concerns the welfare and happiness of the people of Ireland. If, however, there be additional difficulty arising from delay, undoubtedly there is consolation also to be found in the present state of facts. For we see, from unquestionable signs, that men are prepared — I think most men, I hope all men—on either side of politics, and particularly within the walls of this House—for a settlement of this question. I believe that upon these Benches—and when I heard the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) on Tuesday night, I formed the cheerful and sanguine hope that on those Benches also —Gentlemen are found to be fully sensible of the urgency of the case, and are fully prepared to approach the subject in a just, practical, and conciliatory spirit. I trust that, upon our part, nothing shall be wanted in the avoidance of angry and invidious topics, and in abstinence from the revival of painful recollections. I trust that, by our studying to lay aside all personal feelings and prepossessions, nothing on our part shall occur to intercept the arrival of that happy consummation which I believe we all anxiously desire. Nor, Sir, can any fail to see, or to derive encouragement and comfort from the thought that, not the people of this country only, but the civilized world, look on our efforts with hearty and animating interest. In proof of this, I need but refer to one illustrious instance. The Emperor of the French, himself engaged in a great and arduous task, has noticed, in a solemn manner and in the kindliest phrase, the efforts which he sees this nation and this Parliament is engaged in making to heal the wounds of Ireland. And I am confident, Sir, that I do no more than give faithful utterance to the minds of those who hear me, when I presume to say that the Parliament and the people of this country cordially reciprocate these sentiments of sympathy and feel warmly with him in his attempt and evident desire to extend constitutional liberties to the people of France. We wish him in his efforts that progress and success which he has so becomingly desired on our behalf. And, further, Sir, I should not do justice to the case if I did not say that over and above those general sentiments of encouragement, assistance—assistance valuable in a greater degree than I can remember in any other instance of the kind—has been given to us by what I may call the recent literature of this great question. I cannot remember a case in which so many gentlemen, governed by the simple motives of patriotism and philanthropy, have devoted their time, thought, and attainments, not to recommend the narrow views of a section, or a party, but to elucidate and clear up the real difficulties of the case. Members of the Bar, to whose name the title of "learned" is not a mere formal appendage; men versed in historic knowledge; men foremost in professional skill and in the knowledge of the principles of agriculture; Members of this House too, I am glad to say, some who were with us in times past, and some who are here to aid us now—gentlemen whose names it might be invidious to enumerate lest I should by chance be guilty of any omission;—have rendered us by the results of their inquiries the most valuable assistance. And I think I may say that no part of the studies which they have made known to the public has escaped our careful scrutiny and consideration.

However, Sir, when I spoke on the question of the Irish Church, I had this great advantage—that the whole matter had been so thoroughly sifted by the nation on the one side and the other, as regarded the general consideration of the policy of the measure to be applied for its solution, that it was quite unnecessary for me to detain the House by preliminaries. I am not now in quite the same position. It is now necessary, Sir, at the very outset, to refer to some of those misapprehensions — for so I must call them—which prevail on this side of the water as to the condition of Ireland; for gladly as the people of Ireland must have seen that this Parliament does not grudge one year, or more years than one, spent in the endeavour to remedy their grievances and relieve their misfortunes, yet undoubtedly there do remain prepossessions adverse to the character of the Irish people, which it is most desirable we should endeavour to remove from the mind of England and the mind of Scotland, in order that the nation at large may come to a full and unprejudiced consideration of the question. I mean prepossessions, some of which I am almost ashamed to mention to this House, but yet such as have not yet lost their root and hold in this country.

Some persons have the idea that the Irish, as being a Celtic race, are, by some perverse ordinance of nature, prone to violence and disorder. Some persons, again, are of opinion that the legal relations of landlord and tenant in Ireland are the same as those in England, and therefore they do not understand why the former do not work in as easy and satisfactory a manner as the latter. Some persons imagine that the Irish, having been in a state, as is supposed, of constant and progressive improvement for the last twenty years, can have—I will not say no justification, but — no occasion, for still exhibiting feelings of discontent or uneasiness. Some think we have been legislating for Ireland for a whole century — that we have done everything the wit of man could devise to ameliorate the condition of the Irish people, and that, on this account, it is strange indeed, and not owing to our default, but to something inherent in the Irish themselves, that national content has not been established in that country. Let me take first the opinion that the reason is to be found in the fact that the people of Ireland are a Celtic race. True, the Irish are, upon the whole, a Celtic race; but I would remind the House that in 1846 Lord Russell broadly laid it down in this House, and laid it down with truth, that eviction and the various evils connected with it were in Ireland the leading cause of agrarian crime. Now, Sir, we have some means of testing this question with respect to the Celtic race. Where is it in Ireland that the ratio of agrarian crime, to the number of evictions, is the highest, and where is it the least? While in Connaught the Celtic race preponderates, in Ulster, as we know, there is the largest infusion of non-Celtic blood. But in Ulster the ratio of agrarian crime to evictions is far higher than in Connaught; indeed, in no part of Ireland is the ratio so low as in those counties where the Celtic blood is almost unmixed. Again, taking the history of the more recent times, you will find that those counties where the disturbance of order has been greatest are not those which have a peculiarly Celtic character; every one of these is excluded from the list. The fact is that the infusion both of English and of Scotish blood has poured into the elements whereof the Irish character is composed a spirit of pride and of ready self-defence — that sentiment which has made England and Scotland ever prompt to rise in defence of what the people deliberately believe to be their rights. It is not then the Celtic element in the character of Ireland that has given rise to all the disturbances of recent years; but it is a race even more energetic and massive in character, and determined not to be trodden down, which, having mixed with the Celtic race, has been the foremost to manifest its displeasure and resentment whenever it has been made subject to the suffering which is invariably at the root of agrarian crime. It would be easy to supply proof of my assertions in detail, but time presses, and I must suspense with it for the present.

Again, Sir, it is said that the system of land tenure is the same in Ireland as it is in England, and that if it does not produce the same effects in both countries that must be owing to the fault of the Irish people. It is true that the naked abstract law of the occupation of land in Ireland, as founded upon contract and not upon tenure, may be the same, as in England. In both countries the occupation of the land, as a rule, is founded upon the relation of two persons, one of whom has something that is given him by a written or an unwritten agreement, and the other has all the rest. It may be quite true that that is the law of both countries, but it is only the mere skeletons of the laws of the two countries that bear any resemblance to each other. The flesh and the blood with which the figures are invested are wholly different; all the circumstances, all the associations, and all the accretions that have grown around the naked ideas are different in the one country from what they are in the other. We cannot name a point in which the relation of landlord and tenant in Ireland and in Great Britain are the same, except only in what may be called the abstract and general idea. Down to a late period Ireland has been full of the recollections and the marks of conquest, while in England nothing of the kind has existed for long ages past In Ireland the landlord has commonly differed from the tenant in politics and in religion, whereas in England the landlord and the tenant have commonly been of the same mind in both religion and politics. In Ireland the landlord does not, as a rule, find the capital necessary for the improvement of the soil, although he does so in exceptional and, perhaps, multiplying instances; in England the landlord is the person who does find that capital. In Ireland the landlord is frequently an absentee, and unhappily this has been so during the whole of the 700 years of the connection between the two countries; in England and Scotland complete absenteeism is comparatively rare. In Ireland a great jealousy has prevailed among a large body of the landlords during the last forty years against granting tenures longer than from year to year; whereas in Scotland, on the contrary, the almost universal practice has been to grant much longer terms, and in England there is hardly a quarter to be found where such jealousy on the part of the landlords is to be found. In Ireland, except where tenant-right exists, the law has refused to recognize in any and in every shape the right of the tenant in anything which he has put into the soil; whereas in England there is not, perhaps, a single county where, in one form or another, customs that mitigate the law do not prevail, and greatly abate the force of that law. In Ireland, from the unhappy circumstances of the country—and I have no doubt, as regards the present race of landlords, it is not from their want of will—there has not rested in the hands of the landlords the discharge of that immense mass of public duties, bearing upon every subject of political, social, and moral interest, without fee or reward, which has honourably distinguished for so many generations the landlords of England. This fixed and happy usage I take to be a just relic and a true descendant of the feudal system, a system which never took a real or genuine root in Ireland. And lastly, Sir, whereas in England and in Scotland the idea of holding land by contract is perfectly traditional and familiar to the mind of every man, in Ireland, on the contrary, where the old Irish ideas and customs were never supplanted except by the rude hand of violence and by laws written in the statute book, but never entering into the heart of the Irish people—the people have not generally embraced the idea of the occupation of land by contract; and the old Irish notion that some interest in the soil adheres to the tenant, even although his contract has expired, is everywhere rooted in the popular mind. If time permitted, it would be easy to give proof of one and all these assertions by a multitude of testimonies from persons who well know the condition of Ireland. Therefore, do not let us suppose or imagine for a moment that resemblance between the Irish and the English law is a reason why there should not be good cause for special legislation on the subject of the occupation of land in Ireland.

There is, however, another false impression which it is necessary should be dissipated, and that is, that there is something extraordinary and strange in the present sensitiveness of Ireland, and in the recent tendency to an increase of agrarian crime. This idea has been founded upon the supposition that the condition of Ireland, the condition of its occupiers and the condition of its labourers, has for a score of years been one of continuous and steady improvement. In 1860, my right hon. Friend, now Secretary of State for War (Mr. Cardwell), described in a remarkable passage the various forms and features of improvement that then marked the state of Ireland, and of its occupiers and labourers. He is not a man given to exaggeration, and I believe that every word which he spoke was at the time entirely true. But the ten years which have since elapsed tell a different tale; and I will briefly state to the House some of the circumstances to which that difference is to be attributed. Between 1849 and 1860 there was a great and general increase in the rate of wages throughout Ireland, amounting in some places to

30 per cent, in others to 50 per cent, and in parts to even 100 per cent. Since 1860 that rate of wages has not generally advanced. [An hon. Member here made an observation which did not reach the Gallery.] Does the hon. Member mean to say that the rate of wages had in 1860 reached a point beyond which it was not necessary that it should advance? I have a word more to say on that subject of further advance, even if no other circumstance affected the case. But I own that if it had been my lot to earn only 6*d*. a-day, and if in consequence of an improved state of things I was enabled to make 1*s*., and I were then to find that the course of improvement was arrested, that the rate was stationary instead of progressive, nay, even that in some districts there was a tendency to go backward instead of forward, I am not sure that my temper would be one of exuberant gratitude. But, Sir, other causes have been in progress affecting unfavourably the Irish labourer. Undoubtedly evictions have been fewer during the later period; but I should be sorry to be driven to an examination of the character which in many cases they have borne. I will merely state that some of the most painful, some of the most indefensible, nay, some of the most guilty of evictions have occurred between the two dates to which I have referred. I think that of the crimes which we have been so recently lamenting no small portion is to be traced to an interference with the fixed usages of the country, and with what the people believed to be their rights, interferences which were in some cases imprudent, and which in others beyond a doubt deserved a much stronger epithet. Another process has also been going forward with great rapidity in Ireland, which has acted very unfavourably upon the prosperity of the labouring classes—I mean the transference, and the rather rapid transference—of land from tillage to pasturage. Between 1860 and 1868 the pasturage of Ireland has increased by about 560,000 acres, and the tillage of Ireland has decreased during that period about 400,000 acres. We are given to understand that, inasmuch as meadow land is reckoned under land in tillage, and has considerably increased, the real decrease of tillage land is greater still. But to bring the matter to a closer test, let us look at the number of those who came under the operation of the Poor Law. Down to 1860 there was a most remarkable decrease in the pressure upon the poor rates, and in that year the number of persons seeking relief, who in 1849 might have been counted, so to speak, by millions, was 170,000, but, in 1868 that number had increased to 289,000. There is another circumstance of wider operation that has also greatly affected the condition of the Irish labourer, and it is this—while, since 1860, upon the whole wages, I will not say have gone back—for I wish to keep strictly within bounds—but have exhibited on the whole a stationary character, the cost of subistence has very considerably increased. I am almost afraid to tell the House in what degree. But let us reflect for a moment. What has free trade done for us? As regards articles of food it has lowered the price of wheat, which has been a great boon to the people of England. But that is not the case in Ireland, where wheat is consumed only to a very limited extent. On the other hand, free trade has raised the price of oats and other agricultural products. By a most legitimate process the price of almost everything, except the great article of wheat, has risen. That is a great boon to the Irish farmer, but to the labourer or the man who is a buyer rather than a grower of produce such a change represents a condition, not of increase, but of stinted and narrowed circumstances. There are other circumstances — such as the gathering of Irish labourers into towns, the loss of the gardens upon which they depended for their comfort and for auxiliary means of subsistence, and the compulsion often imposed upon them of travelling considerable distances to their work—which have also had a very unfavourable effect. But, upon the whole, I am quite sure I have said enough for the present purpose, enough to show that we should be in gross error if we supposed that we had a right to form a sanguine expectation of that temper of general ease and contentment in Ireland which belongs to a progressive state of prosperity, if we take fairly in view what has been the course of affairs in that country between the years 1859-60 and 1860-9.

But then, it is also said, and not unreasonably, nay, with perfect truth so far as the literal sense of the proposition is concerned—"You have legislated in favour of Ireland for a century, and yet the people of that country are not, after all, content." Now, Sir, this is a most interesting and most curious chapter of the subject, and I wish to know what it is that we have been doing during that century. If we were believers in astrology, or if we held the opinions of the fatalists, we might, after examining the bearing of much of our remedial legislation upon Ireland, almost be led to believe that some dark and baleful star brooded over that country, which, as far as the Irish peasantry have been concerned, forbad and intercepted the effects of the most beneficent legislation. I do not speak without book. Let us consider how this has been in two or three leading cases. In 1793, Parliament passed an Act, the object of which was to enfranchise the Roman Catholics for the purpose of Parliamentary elections. The effect—probably the unforeseen effect—of that Act was that the landlords of Ireland, with a view, and no very unnatural view, to the extension of their political influence, immediately, in a vast number of cases, became the prime promoters of that excessive subdivision of land, with the view to the creation of 40*s*. freeholds, which ushered in the horrors of the famine of 1847 and 1848. But the Act of 1829 put an end to that inducement by disfranchising the 40*s*. freeholder. Well, the former Act of 1793 had at least exercised this beneficent effect, that it tended to encourage landlords to give to their tenants something in the nature of relative permanence or stability of tenure, through those leases for lives that were necessary to constitute the condition of the Parliamentary freehold which was to confer the vote. After 1829 that inducement was withdrawn; and, as the Act of 1793 had introduced, or vastly extended, the mischief of the extreme subdivision of land, so the Act of 1829 partly introduced, and beyond all doubt if it did not introduce vastly extended, the mischief, and perhaps, under the circumstances of Ireland, the still greater mischief, of mere yearly tenancy. Then came the Act which was passed, I think, in 1849 or 1850, called the Encumbered Estates Act, which has since passed into the Act for dealing with the sale of landed estates. Well, Sir, what was done by that Act? It had a most benevolent object; it was intended to introduce capital into Ireland, to relieve impoverished proprietors of that country from that which was to them not a privilege, but a burden—the possession of land which they could not rightly use or manage—and to transfer it into the hands of a more vigorous and opulent race of proprietors, with a view to the development of the riches of the soil. In that Act, also, however, there was contained one fatal oversight, so grievous in its operation that it is doubtful at this moment whether Ireland, on the whole, is better or worse for that Act. In 1845 the Commission of Lord Devon and the Government of Sir Robert Peel had recognized the right of the tenant to be invested with a title to improvements. Although the older landlords of Ireland sometimes, no doubt, may have improperly increased the rent, and compelled the tenant to pay an increased amount in respect to the value which he had himself added to the soil, yet in many cases they made no such extortion. The improvements were not theirs in a moral or equitable point of view, and they did not exact a price for them. But when these properties came into the Encumbered Estates Court they sold the estates, precisely as they were. The purchasers bought them as they were, and no distinction was drawn between the soil itself and the improvements made by the tenant. So that the improvements were sold to persons who gave a price for them; sold away from the tenant to whom they ought to have belonged; and the price was paid to the outgoing landlord, who, undoubtedly, ought not to have been entitled to claim the property in them, and would not have been so entitled if the legislation recommended in 1845 had been adopted. Every one of these measures, all of them beneficently intended and for other purposes operating beneficently—the Act of 1793, the Act of 1829, and the Encumbered Estates Act—was attended with consequences most fatal to the best interests of the great mass of the occupiers of Ireland. And it is not too much to say, with regard to the Encumbered Estates Act, that the operations which have been effected under that Act, and the use that has been made, and not unnaturally made, of it by some of those who have come in as new proprietors, may be reckoned as specific causes of those disturbances which have recently disfigured the records of our intelligence from that country. Thus it seems that in our very remedies we have failed. We passed the Poor Law Bill for Ireland; and it was a great act of Christian charity and humanity when we consider it as applying to that portion of the community who have fallen into a state of incapacity to maintain themselves by their own labour. But if we have a peasantry endowed with vigorous arms, possessed of both the ability and will to earn their own subsistence, and if we encourage a system under which that peasantry is expected to labour with only a precarious title to occupation, and ever liable to be evicted without fault or neglect of any kind, and if we then think it enough to say—"Although you are evicted, still the doors of the poorhouse are open to receive you," my answer is, that this is not an operation by which you can bring about the existence of national content.

Then there is another remedy, emigration, which landlords have in many instances been sedulous to promote. Emigration, Sir, when it is voluntary and free, is the process which the Almighty has ordained for covering and cultivating the waste places of the earth. But that is when the emigrant is one whose wish it is to go. When, on the other hand, he is one whose wish it is to stay, who is truly, strongly, passionately attached—and no people ever were more passionately attached to the soil on which they were born and on which they have grown than the Irish—then to say,—"We cannot insure to you the possession of your holding—we cannot even give you a reasonable probability that you will be able to exercise your industry with confidence; but there is the way across the Atlantic, and there are the wide plains of America open to receive you"—do not let us conceal from ourselves that, under such circumstances, emigration is another word for banishment, and that the country whose laws inflict that punishment and cause that banishment cannot expect, and does not deserve, the affection of the people. I would desire, Sir, in the discussion of this subject, to avoid anything like paradox; and yet I cannot help asking the simple question of the House which I have asked myself, and with regard to which I confess I doubt as to the reply to be given. It is true that now for ninety-eight years—I may say for a century—we have been legislating in favour of Ireland. During that time we have destroyed the odious fabric of the Penal Laws. We have conferred, one by one, every political privilege upon our Roman Catholic fellow-countrymen. They now enjoy in that respect the perfect and absolute equality which is their undoubted right. And lastly, we have, and at no small sacrifice of feeling to large portions of the community, extended, I rejoice to say, the principle of equality to the religious condition and circumstances of Ireland. Yet, notwithstanding all these things, I doubt whether at this moment, so far as the law is concerned, the condition of the Irish peasant is materially better, or even better at all, than it was before the mitigation of the Penal Laws. Certainly this is a most startling proposition; but ask yourselves what have you done for the Irish occupier, and what have you done against him? One thing undoubtedly you have done for the people of Ireland, and it is an enormous boon to the mass. You have educated them. But when you educate a people and give them an emancipated mind, with a free Press, and do not at the same time remove other causes of complaint and grievance, I ask you whether, so far from giving a motive for content, you do not take the very course that is sure to end in the augmentation of every difficulty with which you have to contend. Certainly you have compounded or commuted the tithes, and abolished the Church cess. You have built the workhouses in which the impotent, the able-bodied, and the helpless may be received. But I greatly doubt whether, on the other hand, the effect of other laws has not greatly overbalanced the benefits which these measures have conferred. I refer in part to the effect of the Encumbered Estates Act, which, although nothing could be further from the intention of Parliament, did operate as a confiscation, in a vast number of cases, of the improvements executed by the tenant. But you have done another thing of the greatest importance, and which has not been sufficiently kept in the view of the British Parliament. You have altered the whole law with respect to the defence which protected the Irish occupier in his holding. You have brought in to play new statutes of eviction.

And what do those statutes of eviction say? A gentleman whose name is very well known in Ireland as a professor of somewhat strong opinions, Father Lavelle, has quoted in a volume he has written a statement of great legal authority from a pamphlet published by Mr. O'Connell in 1843. The statement fully details changes in the law which had completely altered the position of the Irish occupier in the interest of the landlord. I will refer to only one of those Acts of Parliament—that of 1816, which was passed at a period when the high prices of the war began to be felt and the high rents could no longer be paid. Parliament was appealed to, under these circumstances, to grant facilities for eviction which had not previously existed. Do not let us suppose, therefore, that this is a case in which Parliament is called upon for the first time to interfere with the tenure of land in Ireland. The history of Parliament tells us of a series of interferences in this respect. In many instances these interferences have been unhappy to the occupier, and in some they have been something more than unhappy; I cannot but fear that they have partaken of injustice. The Act of 1816, 56 *Geo.* III. c. 18, recites in its Preamble that such were the expenses and delays of ejectment that it was absolutely and entirely impracticable as a remedy. But, if it were entirely, or in a great degree, impracticable as a remedy, look at the effect of the change. See what a defence that state of the law was to the Irish occupier in the possession of his holding. All that defence we have altered. All that shelter we have stripped away. We have simplified the law against him. We have made ejectments cheap and easy, and notices to quit have descended on the people like snow flakes. All these things have been done by Parliament, and no compensation has been made to the Irish tenant. And I do not hesitate to say that while, with regard to the higher classes of the Roman Catholics, Parliament has proceeded in one unbroken course of beneficent legislation, by no means the same thing can be said with regard to the tillers and occupiers of the soil. As it is said in the solemn words of Scripture, the things which should have been for their wealth became unto them an occasion of falling, so much that was intended for the benefit of Ireland has acted unhappily on the Irish people, and Parliament has sometimes, without sufficient cause, acted against the tiller of the soil. I will not inflict upon the House the numerous references that could be made in support of this allegation. Were I to do so the task before me would extend beyond all bounds. I will therefore pass on.

The Motion I am about to make assumes that it is desirable we should interfere for the purpose of "amending the law relating to occupation and ownership of land in Ireland." At this first stage I do not suppose much scruple will be felt, because up to a certain point the law, in the nature of the case, must always interfere. It must interfere—namely, with reference to the cases in which parties make no contract for themselves; and the law now is that where there is no special contract tenure shall be understood to be from year to year. We do not propose to reverse this assumption. But we propose, looking at the condition of Ireland, not to leave it to parties without the interposition of law to make the contracts which they may be willing to make; and this it is which at first sight may appear to be harsh. No persons value more highly than we the freedom of contracts; it lies at the root of every healthy condition of society. But even in those conditions of society which we recognize as healthy it is not possible to allow perfect freedom of contract. English legislation is full of such interferences; and Parliament has shown a very decided tendency of late to multiply them. You will not allow the man who has a factory to contract with the persons whom he employs on terms which may suit their inclinations, but which you have forbidden; and you will not allow the shipmaster to carry the emigrant across the seas on terms on which he desires to carry and the emigrant desires to go. These are cases that justify interference; but much stronger is the case for Ireland, because in substance these contracts, though nominally free, have not been really free under the peculiar conditions of life which that country offers. Even where the law has left the Irishman free his circumstances have deprived him of freedom, and it has thus become our duty and our necessity to interpose, within limits cautiously and strictly guarded, for the purpose of repressing that evil. In an agricultural country, in a country where the population has been such as to cause a demand for land always in excess of the supply, and where the excess of this demand has recently been met and aggravated by the tendency to carry land in large quantities out of tillage into pasture, and thereby to diminish agricultural holdings and employment; and, again, by a desire to consolidate farms, and thereby once more to narrow the means of supplying the demand for land; lastly, in a country which is almost exclusively agricultural, and does not offer to the adult Irishman that choice of professions and occupations which he can easily find in a land where mining and manufacturing industry prevails, there history has but too well supported the proposition that the freedom of contract which the Irish peasant possesses is but a nominal freedom. It may be necessary, therefore, to prescribe by law in certain respects the terms and conditions on which land shall be held in Ireland.

Strict freedom of contract, then, having proved to be a great evil, what is the precise nature of that evil? The Devon Commission has pointed it out. It is insecurity of tenure. It is that insecurity of tenure which not only abridges the comforts of the cultivator of the soil, but which limits and paralyzes his industry, and, at the same time, vitiates his relations in a vast number of cases with the landlord, and in a still greater number with the law under which and the society in which he lives. Sir, the sun of hope has recently dawned upon Ireland! It is not impossible that the Irish people, when they witnessed the devotion of the Session of 1869 to Irish affairs, and when they knew that in 1870 Parliament was to apply itself with a similar heart-stirring zeal to the adjustment of the Land Question — it is not impossible that they should think the day of hope had, at length, returned with regard to this great question of the tenure of land; and, after so long a period of depression and despondency, I cannot, for one moment, be surprised that, in some cases where this hope has been revived, it has in the minds of some been such as to exhibit elements of a riotous exuberance. But, on the whole, I do not think there is much to complain of in this respect.

There is, however, a proposition which has been made, and which, in my opinion, deserves to be treated with serious attention. As I have said, insecurity of tenure is the great mischief we have to face; and I will now consider the forms in which proposals for a remedy are made. Sometimes we hear the remedy described by perpetuity, sometimes by fixity, sometimes by security, sometimes by certainty, and sometimes by stability of tenure. All these five words express in different forms the different shapes which it is desired the remedy should assume. As among these, I shall regard the word "fixity" as meaning perpetuity, or approaching to perpetuity, and I shall consider stability, certainty, and security as mutually corresponding, expressing a somewhat different idea. They express the idea of a tenure which would enable a man to pursue his industry without fear of loss from any change that may happen to him on the part of the landlord; they do not express the transference to him of the essential right of property in the soil. Now, the evil is so great that I, for one, am prepared to say that I can hardly conceive of any alternative which would not be better than the continuance of the present state of things; and I do not think that anything dishonourable, anything that intends an injury to another, has been projected by those who have set up perpetuity of tenure for the Irish occupier as their favourite scheme, because we have not a doubt that they have seen that inasmuch as perpetuity of tenure on the part of the occupier is virtually expropriation of the landlord, and as a mere readjustment of rent according to the price of produce can by no means dispose of all contingencies the future may produce in his favour, compensation would have to be paid to the landlord for the rights of which he would be deprived. I have no doubt that they have taken this circumstance into their view; but, at the same time, while this proposition is to be indisputable, I hold that the plan is attended with the greatest practical difficulty, even were it on this ground alone. Because the question will be, by whom is that compensation to be paid? It must either be paid by our old familiar friend, the Consolidated Fund—to which it appears to me that the people of England and Scotland would certainly have a word to say —or else it must be paid by an immediate increase of the rents now payable in Ireland, in order to compensate, by a positive augmentation at the moment, the landlords of Ireland for the loss of their chances in the future. Now, I do not know how a measure is to be framed either upon the one basis or on the other. But suppose for a moment that we put the financial difficulty out of view, what would be the effect of perpetuity of tenure upon the tenant? As I understand it, the scheme itself amounts to this —that each and every occupier, as long as he pays the rent that he is now paying, or else some rent to be fixed by a public tribunal charged with the duty of valuation, is to be secured, for himself and his heirs, in the occupation of the land that he holds, without limit of time. He will be subject only to this condition — somewhat in the nature of the Commutation of Tithe Act — that with a variation in the value of produce the rent may vary, but it will be slightly, and at somewhat distant periods. The effect of that provision will be that the landlord will become a pensioner and rentcharger upon what is now his own estate. The Legislature has, no doubt, the perfect right to reduce him to that condition, giving him proper compensation for any loss he may sustain in money; the State has a perfect right to deal with his social status, and to reduce him to that condition, if it thinks fit. But then it is bound not so to think fit unless it is shown that this is for the public good. Now is it for the public good that the landlords of Ireland, in a body, should be reduced by an Act of Parliament to the condition practically of fundholders, entitled to apply on a certain day from year to year for a certain sum of money, but entitled to nothing more? Are you prepared to denude them of their interest in the land; and, what is more, are you prepared to absolve them from their duties with regard to the land? I, for one, confess that I am not; nor is that the sentiment of my Colleagues. We think, on the contrary, that we ought to look forward with hope and expectation to bringing about a state of things in which the landlords of Ireland may assume, or may more generally assume, the position which is happily held, as a class, by landlords in this country—a position marked by residence, by personal familiarity and by sympathy with the people among whom they live, by long traditional connection handed on from generation to generation and marked by a constant discharge of duty in every form that can be suggested—be it as to the administration of justice, be it as to the defence of the country, be it as to the supply of social, or spiritual, or moral, or educational wants—be it for any purpose whatever that is recognised as good and beneficial in a civilized society. Although, as I have said, nothing would induce me voluntarily to acquiesce in the continuance of such a state of things as has prevailed, and still, to a great extent, prevails in Ireland — it would, I own, be a most melancholy conclusion were we to find that we could not rectify that which is now wrong in the land tenures of that country without undertaking a social revolution, a social revolution in which the main characteristics would be the absolution of wealth and property from the performance of duty, and an addition to that lounging class—unfortunately too abundant in this country—who are possessed of money and of nothing else, and who seem to have no object in life but to teach us how to multiply our wants and to raise the standard of our luxuries, even when we have not yet solved the problem, or got to the heart of the secret how we are to relieve the destitution which is pining at our doors.

Again, perpetuity of tenure must, I think, be further considered from this point of view. If the land is to be bought, it should be bought by and for the State, and that which is so purchased should be distributed among, or applied for the benefit of, the whole nation. But the occupiers of land in Ireland, though they of themselves constitute something near a moiety of the people of the country, yet are not the whole people And it would, I think, be difficult to show why, in favour of these particular persons being occupiers, the whole essence of proprietary right should be carried over from the class that now possesses it to that which, though infinitely larger, is still a class, is not the whole people of the country. But consider again how this plan is to work. Let me suppose myself an Irish occupier invested by an Act of Parliament with perpetuity of tenure. If I want to let the property which I have thus acquired, am I to be allowed to let it to a tenant—a mere tenant—or am I not to be allowed to let it to anybody but a perpetuity-man like myself? If I am only to let it to a perpetuity-man, I can only let it to that class of men who are prepared both to cultivate the soil and to pay me the price of the permanent estate. The strange position in which we should then find ourselves would be that all that active and energetic class which does not require any permanent estate in the land, but exists by the intelligent and profitable application of capital to farming purposes, would be absolutely proscribed; you would not anywhere let a man in to put a spade or plough into the ground unless he was able to purchase the perpetual estate. But, on the other hand, if I am told—"You, a perpetuity-man, will be allowed to deal with the land as you choose—to let it from year to year, to create yearly or any other form of tenancies which you think proper"—then I say the Act of Parliament would contain within it the seeds of its own destruction; nay, not the germs only, but the body and substance of provisions which would soon generate the very mischiefs which you proposed to extinguish. We should still have landlords and tenants with relations as ill-regulated as ever. At first they would be small landlords, but not long. The wealth of this country would go forth once more into the market and accumulate great estates, so that—not we, perhaps, but, at any rate, our children, should again have to assemble within these walls, and to deal afresh with the difficulties of the Irish Land Question.

There is another point which, I think, deserves serious attention. I cannot help pointing out that if perpetuity of tenure were really good for Ireland, it could not be very bad either for England or Scotland. There are, indeed, peculiar features in the condition of Ireland, that, in our judgment, justify and demand peculiar legislation; but I am aware of none of those features that could by any man be held to extend to recommending perpetuity of tenure in Ireland which would not also be applicable to England or to Scotland. If perpetuity of right is to be transferred from one class to another, that would not be a bit more or less expedient on this side of the water than on the other; and accordingly in that view of the matter this with which we have now to deal is not an Irish Land Question, but an United Kingdom Land Question. Lastly, I must put yet one other point. These tenures, which partake of the character of perpetuity, or approximate to it, already to some extent exist in Ireland. I do not say that it would be a sufficient argument in favour of the plan—I rather think it would not—if you had proof that this perpetuity of tenure was good for the people themselves who had been the recipients of that mode of treatment; but this I must say, having endeavoured to examine, as well as we can, the evidence with regard to the agricultural condition of those portions of Ireland which are at present held upon tenures of perpetuity without proprietorship, or which approximate to those tenures, that we do not feel the result to be such as to assure us that this class of tenure would in Ireland attain the object which we greatly prize—namely, the object of enlarging the wealth of the soil and of developing a powerful and flourishing agriculture. Having urged these arguments, to which I am aware of no reply, I may, for the present at any rate, quit this part of my subject. I therefore cast aside perpetuity of tenure, as being a mode and form of remedy that we are not prepared to entertain or propose.

Again, I say, the evil with which we have to contend is insecurity of tenure. How does this insecurity manifest itself? Chiefly, as far as my knowledge goes, in these four forms—Sometimes it is in the shape of the withdrawal by the landlord of privileges customarily enjoyed by the tenant. There have been painful cases of this kind at no very distant date. Unfortunately, in the annals of Ireland it is indisputably recorded that it was from the withdrawal of privileges of this kind — the privilege, especially, of pasturage—that Whiteboyism first took its origin. And Whiteboyism and the various forms of agrarian outrage and crime by which it has been followed go far to justify an expression used, I think, when prescription is talked of by Mr. Butt and by some others, that in connection with the present state of the land laws in Ireland, it must be remembered that the people of Ireland, to the best of their power, have made war upon these land laws. The first form of suffering entailed upon the people by insecurity of tenure was the withdrawal of customary privileges; the second was by the lavish and pitiless use of notices to quit. These notices to quit, though in many instances they are not followed by the acute miseries of eviction, yet do produce the chronic suffering and the other chronic social mischiefs attendant upon absolute uncertainty of condition. The third form of evil has been direct eviction; and the fourth has appeared when demands for increased rent have been made upon the tenant founded solely upon the value which he, by his labour and his capital, has added to the soil. That power of demanding an increased rent is entirely dependent on the *ultima ratio* of eviction; and, treading sometimes but too closely upon the heels of that power, there has been the *ultima ratio* itself; which, as I have shown, within the last half century has been made far more formidable by the direct action of Parliament than ever it had been before.

Well, now, let us look closely at the case of Ireland, and see whether, in good faith, without injury to any class, we can provide a remedy for these evils. There is one spot, at least, in Ireland which is instructive on this portion of the subject, and that is the Province of Ulster. I am far from saying that it would be desirable or possible to reproduce all over Ireland the exact state of things which prevails there as regards the occupation of land; but the state of the Province of Ulster I hold to be perfectly and demonstrably available for the present argument up to this point—that you can apply a remedy to this profound and fatal evil of insecurity of tenure, and yet that such a remedy can be found and applied without shaking the foundation of property. Sir, that proposition—that such a remedy can be discovered and applied without shaking the foundation of property—is so important that I must ask the House to consider for a few moments what is the condition of Ulster. In general, security of tenure there prevails. Is property shaken? Now it is curious to compare the movement of rents in Ireland in relation to the movement of rents in England and Scotland; and also to compare the movement of rents in Ulster with that of Ireland in general. This can be done with sufficient approach to precision for practical purposes. In 1779 Arthur Young estimated the rents of Ireland at £6,000,000 sterling; in 1869, ninety years after, the rents of Ireland were returned, in round numbers, at £12,000,000. They may amount to a little more — I dare say the figures I have cited are under rather than over the mark; but we may take it as at least near the truth that in Ireland, as a whole, where the tenure of the cultivator has been generally insecure, ninety years have just doubled the rent received by the landlords. Now, in England we have not laboured under this evil of the insecurity of tenure, because confidence has supplied that which was wanting in the mere letter of the law. But in England in 1771 — not very far from the period taken by Arthur Young for Ireland—the rents were £16,000,000; in 1869 they were £48,000,000—so that in very nearly the same period in England, where the tenure of the cultivator is more secure, the rents have trebled; while in Ireland, where the power of the landlord is more absolute and more frequently put into use, the rents have only doubled. But now I pass from England to Scotland, where the tenure of the cultivator is still more secure than in England, because it is tied and bound in the main by leases. And what is the case with Scotland? In Scotland in 1770 the rents were £1,200,000, and in 1869 they were £7,200,000. That is, where the tenure of the cultivator is most secure, and the landlord exercises the smallest amount of arbitrary jurisdiction, the rents have been sextupled nearly in the same time that they have been doubled in Ireland. I own that these facts appear to me full of instruction.

But now let us compare Ireland with Ulster — because in Ulster the tenure is more secure than it is in the rest of Ireland, and in fact Ulster may be said to enjoy practical security. Well, Arthur Young, fortunately for us, distinguishes between the rents of the eight counties where the Ulster custom prevails — which may be conveniently called tenant-right counties—and the rest of Ireland; and the case is this — The rental of the eight counties where security or stability of tenure prevails was in 1779, £990,000; in 1869 it was £2,830,000. That is, the rental has more than trebled, and that under a system, I admit, in some respects defective, and in some extravagant, but which still gives practical security. The rest of

Ireland minus Ulster is what we must compare with the eight counties. Well, Sir, the rest of Ireland, minus Ulster, in 1779, according to Arthur Young, had a rental of £5,000,000; and in 1869 that rental was £9,200,000. That is to say, in the provinces where the power of the landlord is greatest and the tenure is least secure, the rents did less than double themselves, whereas, where the power of the landlord is least and the tenant is most secure, namely—in Ulster—the rental has increased more than three-fold. But, again, it may be said that in Ulster you have the influence of manufactures, and that manufactures tend powerfully to increase rents. Well, Sir, but Ulster had manufactures in 1770. I am not aware that the manufacturing character of a certain part of Ulster dates from any period later than 1770. Whether its manufactures relatively to agriculture stand differently in amount now from what they did then I do not know, but it is certainly correct to say that Ulster had the advantage—and the great advantage — of manufactures in 1770 as well as in 1869. But there is another point which we shall do well to notice as to manufactures. Manufactures do not tend directly in the neighbourhood of their own immediate seats to produce good agriculture. Manufactures, by stimulating prices, produce good agriculture in a country generally; but the great manufacturing counties of England are not those most distinguished for good agriculture. I am sorry to confess that in Lancashire, for instance, where I was born, a county which has certainly achieved some celebrity for manufactures, and around Liverpool, though the district is much favoured by the neighbourhood of great estates, such as those of Lord Derby and Lord Sefton, yet agriculture till a late period was, I will not say exactly the opprobrium, but certainly it was by no means the glory of the country. Take again the county of Northumberland. In general it is most famous for agriculture, but not in the neighbourhood of Newcastle; and I remember very well having learned at Newcastle that to improve the state of agriculture in that district a number of Norfolk ploughmen had been introduced. The reason of this is not far to seek. It is that where there is competition between agriculture and manufactures, or between agriculture and mining industry, those pursuits which pay the best wages get the best workmen, and it is to the weakest and least intelligent part of the population that the pursuit of the least remunerative—namely, agriculture—is committed. Again, Sir, the results of an examination of the produce of Ulster will be found not a little remarkable. It is admitted on all hands that Ulster is greatly poorer in natural resources than any of the other three Provinces of Ireland. But what are its products? Its products may not be thought very extraordinary, perhaps, until I illustrate them by finding a measure of the natural producing power of the soil of Ireland in its different Provinces. The rateable product of Ulster is now somewhat higher than that of the rest of Ireland. The land under crop in Ulster is £6 3*s.* per acre; in the rest of Ireland it is £5 18*s.* In land under tillage it is for Ulster £1 12*s.* 8*d.*; for the rest of Ireland it is £1 11*s.* 6*d.* You may say that this is no very great difference; but consider the difference of natural fertility; and we have a remarkable test of this natural fertility, because there was a period when a very careful valuation—as I may almost call it—of the respective fertility of the four Provinces of Ireland was made by the Parliament of this country, which was most closely sifted and tested by individuals who had a peculiar interest in arriving at the truth. At the time of the Great Rebellion the Parliament organized an army to send into Ireland. For that purpose it was necessary to raise money. It was obtained from a body of persons called Adventurers, who were to supply the necessary funds, and were to be paid by lands taken at certain prices, and these prices were to be different according as the lands were in one or another Province of Ireland. They were to have lands in Ulster at the price of £200 per 1,000 acres; they were to have lands in Connaught at the price of £300 per 1,000 acres; they were to have lands in Munster at the price of £450 per 1,000 acres; and they were to have lands in Leinster at the price of £600 per 1,000 acres. I strike out Leinster; because, though it was in part Irish, both English tenure and English blood, and something of an old civilization, might be said to prevail there at the time. I have no doubt that it was by far the richest Province at that day; but the other three Provinces may, I conceive, be taken as fairly representing the relative fertility of the soil. Indeed, if anything, the comparison is rather too favourable for Ulster, for it was thirty years after the settlement of James the First had been effected. On the whole, at least, it is no unfair statement if we follow this classification, and say that the natural producing power of the ordinary soil of Ulster appears to be little more than one-half the producing power of Munster and Connaught; and yet under the state of things as it exists the actual produce of the soil is greater in Ulster than in the rest of the three Provinces. So, then Sir, I think I make good my proposition that Ulster shows us, at any rate, as much as this; it is possible to find a remedy for this deadly evil of insecurity of tenure, and yet at the same time not to shake the stability of property.

Well, now, in considering what the remedy should be I may venture to say we have cast aside altogether any guidance from the false lights of theory. We do not intend to approach legislation on the land tenure of Ireland with the view to give effect to this or that doctrine as to the mode in which the land is to be managed or cultivated. The question as to whether the properties into which a country is divided should be large or small; the question whether the holdings should be large or small; the question whether the tenancy should be yearly or for a longer term; the question whether improvements should be made by the landlord or by the tenant;—all these are matters on which, in my judgment, there is room for an immense variety of opinion, according to time, place, and circumstances. We wish to be guided, as far as can be, by experience. We wish to take the facts and circumstances of Ireland as we find them, and to apply them in the best manner we are able to the Bill which I have now to lay before you. This is a "Bill to amend the law relating to the Acquisition and Occupation of Land in Ireland." First of all I will dispose of that part which has reference to the acquisition of land, and which is the simplest portion of the measure. And here, Sir, let me say that I deeply regret the absence and the cause of the absence of the right hon. Member for Buckinghamshire, and I regret yet more deeply—as is natural—the absence and the cause of the absence of another Member of this House, the only one, perhaps, who can vie with him in distinction, I mean my right hon. Colleague, the President of the Board of Trade, who is so deeply interested in the whole of this subject, and who has made those portions of it which relate to the acquisition of land in no small degree a special and favourite study. I will ask leave to read a few lines which he wrote to me on being seized with his recent indisposition. He uses the following words:—

> "I cannot tell you how much I am disappointed at being absent from the meeting of Parliament, but I have distinct warnings of an attack something like that from which I suffered 14 years ago, and I dare not disregard them. I am quite unable to work, and must leave London for a time. I regret deeply that I cannot be at your side to vote and plead for the Irish Land Bill."

After making reference to the varieties of opinion as to the Bill which may possibly be entertained, Mr. Bright proceeds—

> "I think it a just and comprehensive measure, and I hope the moderation and patriotism of Parliament will enable it soon to become law."

The measures, Sir, which we propose with respect to the ownership of land for the consideration of Parliament during the present Session, should Parliament adopt our view, are not exclusively those comprehended within the present Bill: other features will be included in other Bills, and I will presently notice them, for they do not apply to Ireland alone, but to some other parts of the United Kingdom. Among them will be a measure which I hope will be of immense benefit to the possessors of land in this country—a Bill for facilitating the transfer of land. Another will deal with the succession to real estate in cases of intestacy, and will give greater ease, freedom, and, I should add, justice to the play of the law than in its present case it can be said to possess. It is possible that there may be some other provisions analogous to these, which we may deal with during the present Session, and which will be applicable, not to Ireland alone, but beyond its limits also; because in reference to them we consider the circumstances of other portions of the United Kingdom to be so analogous as to warrant our dealing with them together. However, everything I am now about to say is confined exclusively to Ireland, and, in conformity with the language of the Speech from the Throne, the Bill relating to the tenure of land in Ireland will be "adapted to the peculiar circumstances of that country."

With regard to the important object of facilitating acquisition of land by those who do not now possess it, we propose, in the first place, arrangements for increasing the powers of owners. The manner I do not stop to explain, because time will not permit me; but I may say the arrangements will present a relaxation of the fetters which now confine the action of the owners of land. With respect to those who may desire the acquisition of land, we propose that loans of public money shall be granted to occupiers desirous to purchase from their landlords any cultivated lands now occupied by themselves; and this arrangement will be so framed as not to restrict the loans to cases of private contract, but to extend them also to those cases where the proprietor, attracted by the advantages of a Parliamentary title, thinks proper to carry his estate into the Encumbered Estates Court. This assistance will only be given to occupiers who are willing to buy where the landlord is willing to sell. They will be required to pay down not less than 25 per cent, and the re-payment of the loan will be arranged upon the basis of the Drainage Acts. I am not one of those who are disposed to take the most sanguine view of the extent to which a provision of this kind is likely to be acted upon; but I received a few days ago—not with reference to this Bill—a printed paper which shows that it is likely to be appreciated. Mr. Canning used to say that whoever prints publishes, and, independently of that dictum, this document bears no mark on it that it is private, and therefore I may advert to it. It is a statement of the tenants on the Marquess of Waterford's estate, in the county of Derry, and it appeals for a loan to assist them in the purchase of the estate. The case presents extraordinary features. The estate is not a small one—on the contrary, as I understand, the rental is £14,300, with several outgoings, leaving a net rental of more than £13,000 a-year; yet here are a body of tenants who declare their readiness, if assisted by a loan, to organize a company for the purpose of purchasing the estate; prompted by the desire, no doubt, to save the sums they have paid for the tenant-right of their farms, and by a fear, perhaps, lest the estate should fall into the hands of an owner who would not respect the custom which had prevailed with regard to the tenure of land. This instance is calculated to show that provisions for the acquisition of land by the tenants may be more likely to be acted upon than many, and I confess myself to have been among the number, had exclusively imagined. Further, Sir, we mean to relax the rule that these loans should be made to occupiers in a special case—namely, when a landlord is only willing to sell in block, and where the tenants combining find means, with or without assistance from the Exchequer, for the purchase of a large portion of the estate, though not of the whole—say to the extent of four-fifths. In these cases it is proposed that assistance should be given to others, although not the occupiers, for the purchase of the remaining one-fifth. With regard, again, to waste land, it is proposed to give loans to the owners, under this Act, for the purpose of preparing the waste land for occupation—by making roads, for instance, and by the erection of the necessary buildings; and by other operations not absolutely belonging to the reclamation of the land strictly so called, but such as to make them desirable objects for purchase by those who are to undertake the operation of reclaiming, and who may be able to fulfil the conditions. It is also proposed, when a landlord after reclaiming waste land, may be desirous of selling it, to assist the purchaser, provided he can pay down a large portion of the price, and provided the landlord is willing to become joint security to the Government for the money —or that other security, satisfactory in its nature, can be had. It is unnecessary for me to go into detail at the present moment respecting the manner in which these transactions will be managed. Suffice it to say that they will be under the direction of the Board of Works in Dublin; but the point to which the Government mainly look is first, that the conditions shall be *primâ facie* reasonable, and, secondly, that the security shall in all cases be sufficient; and the mode of repayment will be by the system of annuity, of which we have already had ample experience under the Drainage and other Acts, and which has been found to work so well. With regard to the ownership of land, I quit the subject with the remark that even those who do not think that any great subdivision of land is likely to arise from these propositions may be of opinion that, under the circumstances of Ireland, it is eminently to be desired that Parliament should be far from showing any jealousy of the ownership of the soil by the Irish people, but, on the contrary, should testify its readiness by all allowable means, even if they involve some extension of ordinary rules, to promote the attainment of that object.

Now, Sir, having dealt with the subject of the acquisition of land, I come to the clauses which relate to the still greater and more urgent subject of the occupation of land. Our first proposal which I will name under this head—the proposal which, for the sake of convenience, I detach from all the rest—relates to the instrument by which the new law is to be administered. We propose to supply, as most necessary under the circumstances, a distinct and appropriate judicial machinery for the purpose of the Bill. That machinery will be two-fold. It will be either a Court of Arbitration or a Civil Bills Court, as they are respectively named in the measure. The Court of Arbitration will be a tribunal constituted in a simple manner by the voluntary choice of the parties; but it is necessary that its awards should, when once made, have the force the law. We are desirous of giving every encouragement for the settlement of matters arising under the measure by means of arbitration; and for these plain and simple reasons—first, because it is the cheapest and most direct method, and next, because it appears to be, according to the best evidence, a practice deeply engrained in the habits and dispositions of the people of Ireland. When matters arising out of the operation of this Bill shall be settled by arbitration, there will be no appeal; but when parties desire to proceed before a tribunal invested directly with public authority they will go to the Civil Bills Court—that is to say, to the Civil side of the Court of Quarter Sessions—in which the Assistant Barrister acts alone as judge of the court. The Assistant Barrister will adjudicate the case and dispose of it under the following conditions:—In the first place, if he thinks the matter too important for his own action, he may reserve a case for the decision of a higher tribunal; in the second place, if the parties are willing, he may give them an amicable and voluntary hearing in his own room in lieu of a contentious proceeding in court; and in the third place, whatever he decides he will decide subject to an appeal to a higher tribunal. This appellate tribunal will consist of the two Judges of Assize. If it should be found necessary for the purpose of quickening the process of appeal, it is proposed that three instead of two assizes shall be held in Ireland, so as to shorten the period intervening between each assize; and the appeal to the Judges will be final. At the same time, if they find the matter submitted to them to be one which they cannot take the responsibility of deciding, they will have authority to reserve a case for a Court in Dublin, which in the Bill is called the Court for Land Cases; and this Court, which will be called into being for the purpose of receiving and disposing of those references, will be composed of existing Judges, in part of equity and in part of common law. This is the nature of the tribunal to be erected. I will not enter into the provisions of the Bill with regard to the appointment of valuators and assessors: these are subaltern and subsidiary to those particulars which I have mentioned. But I wish to say a word with regard to the jurisdiction of this Court. Every one must feel that, in order to meet an unlimited variety of circumstances such as must arise, in the cases coming before it, this Court must be invested with considerable discretionary power; on the other hand, the Government have felt that it would be neither just nor expedient to impose upon the Court the business of discovering the principles upon which land tenure should be regulated. We have, therefore, endeavoured to insert in the Bill everything which Parliament could usefully specify in the shape of positive provisions, and we have left the application of them to the discretion of the Court, taking care as well as we can to enlarge this discretion by a clause which will best explain itself, and which now stands as Clause 14. It is called the Equities Clause, and its purpose is to enable the Court in all cases to consider the equity as well as the law of the case. It runs as follows:—

> "On the hearing of any dispute between landlord and tenant in respect of compensation under

this Act, either party may make any claim, urge any objection to the claim of the other, or plead any set-off such party may think fit . . . and the Court shall take into consideration any one claim, objection, or set-off, also any such default or unreasonable conduct of either party as may appear to the Court to affect any matter in dispute between the parties, and shall admit, reduce, or disallow altogether any such claim, objection, or set-off made or pleaded on behalf of either party as the Court thinks just, giving judgment on the case with regard to all its circumstances, including such consideration of conduct as aforesaid."

The general aim of the Bill, therefore, will be to lay down clear and distinct propositions of law for the guidance of the Court, but to allow the Court to take into its view all that variety of considerations and circumstances by which the application of the rules ought to be affected.

Having now, Sir, disposed of all preliminary and all collateral matter, I proceed to say that with respect to the legislation itself upon the tenure of land, there are four descriptions of holdings in Ireland which we have thought it our duty to keep specially in view. The first of these is the class of holdings which now exists under the Ulster custom. The second is the class that exists under other customs analogous, more or less, to that of Ulster, prevailing irregularly and variously over a large part of the surface of Ireland, but not having that definite existence and that weight of tradition and authority which belong to the Ulster custom. The third class is that residue of yearly tenancies which have not practically enjoyed hitherto any protection whatever from any custom, either such as that of Ulster or such as may be found in other parts of Ireland. In the fourth place, we have thought it right to keep in view that class of estates the landlords of which, already sensible of the mischiefs that prevail, have sought to apply a remedy by the voluntary introduction of a system of leases, and of leases in two forms—either, in the first place, leases after the Scotch and English fashion, under which a farm is delivered over with all its appliances, generally speaking, into the hands of the tenant for the purpose of effective cultivation, those appliances having been furnished by the landlord; and secondly, leases of the Irish character, somewhat longer generally in duration, but not usually attended with the same conditions on the part of the landlord in respect either of finding or assisting to find the buildings and other improvements necessary for the proper cultivation of the farm.

First then, the question is how we are to deal with those holdings in Ireland which are under the Ulster custom.

The Bill will be limited in the strictest manner to agricultural holdings; it will not touch any persons except those who are pursuing agriculture as an industry and a trade. I will here also say in order to disembarrass myself of that part of the question, that there will be certain exceptions running through the Bill which it would be difficult now to describe in detail; those exceptions will include, for instance, the gardens of such labourers as are the servants of the farmer or of the landlord, the lands held as demesne land, and the lands of miscellaneous character which were described in a former Bill as taken for special or temporary purposes. The House will perhaps for the present be good enough to take for granted that such matters have been considered and practically provided for by a series of exceptions to the general operation of the Bill. I am now to speak generally and broadly of all holdings that are held for agricultural purposes in the common sense of agriculture pursued as a trade.

How, then, are we to deal with the Ulster custom? and what is the essential character of that custom? The view we take of it is that it includes two elements—it includes compensation for improvements and it includes the price of good-will. It is not necessary at present to investigate the history of the Ulster custom; whether it represents the ancient Irish ideas derived from the period of tribal possession; whether it represents the covenants which were inserted by James I. in the charters granted to the settlers in that Province; whether it has grown out of the happy political relations subsisting, for the most part, in Ulster between the landlords and the occupiers, which have induced landlords to view favourably the growth of such an usage; or whether, lastly, it represents the payment of a kind of insurance for the safety of the incoming tenant when he obtains that possession of land which is so prized and valued in that country. Be that as it may, and without examining into these questions, we are content to take the Ulster custom as a matter of fact; we say that it prevails, that it is admitted, that it is recognized by the landlords —not by each man as his individual act, but in deference rather to the authoritative traditions of the district; that where it is impaired by the action of one landlord, or destroyed by the action of another, that action is against the authoritative tradition of the district, and that the consent which Ulster generally has given to the continued prevalence of this custom, on the part of the landlords as well as on the part of the tenants, amounts to a virtual covenant between the parties. Viewing it as a covenant, we propose to take it such as it is, to convert it into a law, and allow it to be examined into as a simple question of fact in all cases where dispute arises by the Courts that will be constituted under this Bill. They will have nothing to do but to examine questions of fact, and to give effect to the custom with the binding authority of law. This part of the Bill is very simple; we do not attempt to modify the custom; we do not inquire into its varieties (it is well known to vary within certain limits); we do not attempt to improve it or to qualify it; we leave it to be examined as a matter of fact, and when it shall have been so ascertained, the Judge will have nothing to do but to enforce it. There are but two subsidiary provisions that must be added in order to explain this portion of the Bill. First, where a landlord has by a deliberate arrangement in the nature of purchase with the occupier of the farm abrogated the Ulster custom, there it shall not be pleaded against him, but the land shall fall within the general scope of those provisions of the Bill which will be applicable to land tenures apart from custom. Secondly, where the tenant has proved the existence of the Ulster custom, and has obtained compensation accordingly, whether from the landlord or from the incoming tenant (as the custom may cause it to be) under the clause relating to it, he shall not be entitled to compensation under any other clauses of the Bill. The Equities Clause which I have just read will of course apply to adjudications under the Ulster custom as well as to all others. But the House will please to understand that, speaking generally, this clause with regard to the Ulster custom, where it prevails, is an isolated clause. It provides separately and completely for all that class of holdings, and that consequently they do not as a rule fall within the provisions of the Bill generally, which have reference to occupations and holdings not under the Ulster custom. So much with regard to the Ulster custom.

The Ulster custom, as I have said, does not absolutely overspread the whole of Ulster; but it is confined to Ulster, in no case passing beyond its limits. When we come to the case of other customs that prevail outside Ulster these form a subject-matter more difficult to deal with. Undoubtedly our conclusion is that there is a very large amount of Irish usage by which payment is made from an incoming to an outgoing tenant; in some cases it is made with the consent of the landlord directly, in some others indirectly; but it is nowhere to our knowledge established as the fixed and authoritative tradition of a district. I may perhaps say that in many cases it is winked at by the landlord, in many other cases it is opposed, and in some it is repressed by the landlords, who view it with a greater or less degree of aversion. We have thought that, provided we did no injustice, it would be wise to found our Bill upon custom so far as it would carry us. This is an Irish usage and the Bill deals with the circumstances of Ireland; wherever there is a peculiarity in the circumstances of Ireland it is well to adopt that peculiarity as the foundation of our provisions, because the Irish people will fall more easily into the regular operation of a Bill which conforms to their own peculiar modes of action than they will into the working of a Bill which lays down modes of action altogether new to them. We have, therefore, thought, with reference to the condition of Ireland, that these are payments to which the Court should have regard, and which it may fairly take as an indication of the amount of loss and damage that a tenant suffers by eviction from his holding. We have stopped short of saying that which we propose to say in the case of the Ulster custom, that it shall be made absolutely and in all cases binding upon the landlord, for this reason—that it does not bear with the same unmistakeable clearness the character of a virtual covenant authenticated by a long and wide-spread practice. We propose that these other customs, where their existence is established either by the landlord or by the tenant, shall be legalized; but we propose also to subject them to some restrictions which will not apply to the Ulster custom. In the first place, the tenant may claim as an absolute right a customary payment, out of Ulster, only in cases where he is disturbed in his tenancy by the act of his landlord. In Ulster, I believe, it makes no difference whether a man is a retiring or an evicted tenant. With regard to these customs out of Ulster, we propose to limit their binding and absolute operation to cases where the tenant is disturbed by the act of the landlord. We propose that the tenant shall not be allowed to take the benefit of these customs if he is evicted for non-payment of rent. Thirdly, we propose that he shall not have the benefit of the custom if he sublets or subdivides his holding, after the passing of the Act, without the consent of the landlord, except it be for a purpose strictly defined in the Bill with regard to cottages and gardens held by the labourers required for the cultivation of the farm—an exception the necessity of which will be obvious. The fourth condition which we attach to the application of these customs is that not only arrears of rent but damages done by the tenant to the farm may be pleaded by the landlord as a set-off. And the fifth condition is one which I will explain more fully by-and-by. It is this—that the landlord may, if he thinks proper, bar the pleading of any such custom if he chooses to give his tenant a lease for not less than thirty-one years, attended with terms and conditions which I shall have occasion presently to describe.

We have, therefore, got thus far. The Ulster custom is absolutely recognized in Ulster. Outside the limits of Ulster these less binding customs are recognized, but subject to the five conditions which I have just enumerated.

But there are a good many cases where no such customs may be found, and where, at the same time, the tenant is not protected by any lease, and feels in its full force that tremendous evil of insecurity of tenure, which may at present be said to be the monster evil of Ireland. We propose to deal with these cases by establishing a scale of damages for eviction, This scale of damages is, of course, subject to limitations. In the first place, it is subject to all the limitations that I have just described as applying to customs other than the Ulster custom; it can only be applied when the landlord disturbs the tenant in his holding; it cannot be applied if the tenant sublets or subdivides his holding, or if he be evicted for non-payment of rent; arrears of rent and damage to the farm may be set off against it; and it may be barred by a length of lease of thirty-one years or upwards. It is also provided that in case of holdings above £50 parties may "contract themselves out" of this provision of the Act—what I call the scale section, the section for scale of damages—provided they receive a lease for at least twenty-one years, and if by that lease the landlord contracts to execute the improvements necessary in order to cultivate the soil in the due manner of husbandry. It is likewise provided that in farms of a certain size, the parties may, if they please, "contract themselves out" of this provision of the Act, as I believe some lawyers term it. Our reason for here introducing this liberty is as follows:—Our desire is to interfere with freedom of contract as little as possible. We are about to interfere with it in regard to the terms on which minor tenancies may be taken, because we say that in the circumstances of Ireland the tenant is not free; but as we move upwards in the scale of the value of holdings, at last, undoubtedly, we reach a point where the tenant may be said to be free. No one would say, for instance, that a tenant of £500 a-year in Ireland was not substantially and for the most part as free as a farmer of the corresponding class in England. Therefore, we propose to provide, with regard to the scale of damages for eviction, that persons having a farm not rented but valued in the public valuation at £100 and upwards, may, if they think fit, contract themselves out of this section of the Act. Now as to the scale of damages itself, which I will explain to the House as clearly as I can. In applying this scale the Judge is required by the Act to have regard to two things—first, the improvements which have been executed by the tenant upon the farm; and secondly, the loss which the occupier is about to sustain by being ejected from his holding. These are the two main elements which the judge will be required to take into view. The scale, therefore, includes in part compensation for improvements. It includes compensation for the minor and more ordinary improvements—for manures and tillages, for fencing, and for some other matters. But there are some improvements of so special a character that we have felt that the tenant ought to be entitled to claim his compensation for them—assuming him be entitled to ask for such a compensation—irrespective of the claim for damages by eviction; and these are improvements falling under the two heads, firstly, of permanent buildings, and, secondly, of the reclamation of land. I must own it was a matter of surprise to me when I found it was a common practice in Ireland—it is not so, as far as my knowledge goes, in England—to value buildings on a farm apart from the farm itself. But it does appear to be a common practice; the people seem to have adapted themselves to it, and there may be a greater facility in dealing with permanent buildings apart from the rest of the Act on account of that practice, as on the other hand there is a facility in dealing with the reclamation of land apart from the rest of the claim, because it is an operation separate from the general operations of the farm. Subject, then, to a further compensation for permanent buildings and for reclamation of land, and likewise subject to all the conditions that I stated as embodied in "the Equities Clause," and elsewhere, the Judge will, or may, award to the tenant according to a varying scale This scale has reference to holdings of different value. If the holding is not valued in the public valuation at over £10 the Judge may award to the tenant a sum which is not to exceed seven years' rent: if the holding is between £10 and £50 he may award a sum not exceeding five years' rent; if between £50 and £100, a sum not exceeding three years' rent; and if over £100, a sum not exceeding two years' rent. And over and above the award upon that scale, the Judge will have to deal separately with the question of permanent buildings and the reclamation of land. Now what, as I take it, will usually happen will be this—This sum, which cannot be exceeded, is the sum which the Judge will set before himself at the outset as a standard. It will be then open to the landlord to come in and to put in proof any matter that he may think proper, of such a nature as, in his opinion, ought to go in diminution of the claims; and some of these matters are very palpable. For instance, suppose the case of a landlord, the value of whose land has, from circumstances, undergone a real increase otherwise than from the labour of the tenant. That landlord is entitled to a fair increase of rent. But suppose the tenant refuses to pay any increase whatever, and says—"Evict me if you dare"—trusting to the scale of damages. The landlord evicts. The case comes before the Judge. The landlord may say—"It is true I have evicted this man, but I have done so because he only pays me 15*s.* an acre, and I will show you that the land is worth a great deal more; it is a case for an augmentation of rent, and I called upon him to pay 20*s.* an acre, but he claims to remain at his present rent." That will be a matter for the Judge to take fairly into consideration, and he will make deductions from the tenant's claim on that account. Or take another case. Suppose the landlord, desiring, for a particular reason, to obtain possession of a particular holding, offers to the tenant a holding of the same kind, or a better one, on his own property, so that, in point of fact, the tenant probably sustains neither damage nor inconvenience. The landlord ought to be able to plead this, and to show it to the Judge; and when he does so, and shows that he has only evicted the tenant on account of the tenant's unreasonable conduct, the Judge will make a deduction in consequence from the amount of damages which the landlord would be otherwise liable to pay. In truth, the Equities Clause will enable the Judge to take fully into view, and weigh in his own mind, all those points which affect the real merits of the case, by lowering the amount of compensation, or even, should the case warrant it, by refusing compensation altogether, although the landlord may have been driven to evict the tenant. In the ordinary case of eviction for non-payment of rent, or for subdividing the land, the House will understand that the scale does not apply at all.

So far, I have covered that portion of the ground which belongs to the three cases of the Ulster custom, the customs variously prevailing outside Ulster, and the holdings which are comprised under neither of those heads, but which are held either by the year or for short terms of years. Now, notwithstanding all I have said, and although it is is quite obvious that wherever payment is made on the ground of custom, that payment will include the value of the improvements, yet it is necessary for us to have separate legislation in regard to those improvements, because by this separate legislation will be governed the case of the tenant who wishes to retire. It would not be fair that, upon his expressing his wish to quit his farm, his landlord should be called on to pay him money for any loss he may suffer by his departure; but, upon the other hand, it would be perfectly fair that the retiring tenant should be able to claim the value of his improvements, the value of which would accrue to the landlord. Take, again, the case of a man evicted for the non-payment of rent. We do not, in this case, speaking generally, allow for the damage caused by eviction; but we do not see why, because he has failed to pay his rent, possibly from misfortune rather than by his wilful fault, he ought to forfeit all the value of his improvements. That being so, we propose, over and above the legislation I have already detailed, to legislate on the subject of improvements. But what is an improvement? That, Sir, is a question which has cost us some trouble. Indeed, I am bound to say, a great many things in this Bill might warrant the same remark, for the subject is one of great complexity and difficulty, and I am much mistaken if the House will not find it to be so before its task shall have been completed. With the utmost goodwill and zeal, they will, I fear, have to spend a considerable amount of time upon the Bill in the endeavour to bring it as nearly as possible to perfection. We have, however, I think, determined upon a very fair definition of what ought to be held as constituting an "improvement." In the first place, it must add to the letting value of the land; in the second place, it must be suitable to the nature of the holding. If the tenant, unfortunately for himself, chooses to lay out money on improvements which do not improve, and do not add to the letting value of the holding, that is his affair, and not the landlord's. If, on the other hand, he chooses to lay out his money in making additions to his holding, which do add to the letting value, but which are not suitable for the purposes of agriculture, the landlord is not to be bound to pay for such an improvement, because it does not come within the proper scope of the tenancy. A case which has been mentioned to me, for instance, is that of a farm abutting on the seashore, on which the tenant chose to build a bathing-house. It is very probable that this bathing-house may add to the letting value of the farm, but evidently the tenant ought not to be entitled to payment for it as an improvement. That, undoubtedly, is not a sort of improvement which will come within the meaning of this Bill, for it must be something not only adding to the letting value of the land, but also suitable to the nature of the holding. Thus understanding the word "improvement," what we propose to do is exactly to reverse the presumption of the present law. The law, as it stands, absolutely gives the improvements to the landlord and presumes them to be his work. We propose to presume them to be the work of the tenant, and to leave to the landlord the business of showing, if he can, that such is not the case. If they are the work of the tenant, they will, according to our Bill, be his property, and it will be for the landlord to show that they are not the work of the tenant if he disputes his claim to compensation. The justice of this provision, that the burden of proof should be thrown on the landlord, is, I think, obvious. For how does the case stand? The occupier is in most instances a poor man, who has no agents, no legal adviser, no representative, who may be here to-day and gone to-morrow. For him to give proof with regard to improvements, and especially with regard to improvements which might have been executed by those predecessors from whom he might have derived his title, would be almost impossible. The landlord, on the other hand, possesses all the machinery connected with the management of his estate; he has the necessary books and records, which he can without difficulty produce, and he can probably command a continuous chain of evidence; and we therefore cast the burden of proof on him who is able to bear it, and relieve from the burden the man who is not in that position. This great and important change in the law will, of course, be subject to certain limitations.

The House will, however, have observed that we do not limit the operation of the new law to future improvements. It is absolutely necessary that it should extend to those already made. Had we thought fit, or had we happily been enabled a quarter of a century ago, in 1845, to deal with this question of improvements, it might have been satisfactory from some points of view, and sufficient for public purposes, to provide for the cases of future improvements alone. But, having, unfortunately, adjourned for so long a time the day of settlement of the question, and that day having now arrived, it is quite plain, in the view of the Government—and I do not expect, from all I can see of public opinion, that it will be disputed in any quarter—that any legislation as to improvements must in principle embrace retrospective improvements. Still, it is necessary to impose some special limitations on these retrospective claims; and the limitations which we ask the House to impose specially upon them are these, in the justice of which I think most persons will be disposed to agree. We propose, first of all, that no claim is to be allowed for any improvement made more than twenty years before the passing of the Act, unless it be in the nature of a permanent building or of reclamation of land. In the second place, such claim may not be made by the tenant under any lease or contract now existing, if it be excluded by the terms of the lease or contract. It is, in the third place, provided with respect to past improvements that the Court may take into consideration the time for which and the terms on which they have already been enjoyed by the tenant. This provision I look upon as one required by the circumstances of the case, for if it were not adopted we should be making a law to bear with comparative severity on the best landlords, while we should be showing the greater favour towards the worst. The landlord who had closely followed up every improvement made by his tenant with an increase of rent would, unless we introduced into our Bill some such provision, be placed exactly on the same footing with the man who had respected the property of his tenant, and allowed him to continue on easy terms, having reference only to the prior value of a farm, and not to the increased value imparted by the tenant's capital and labour. That is, I think, a sufficient justification of this particular provision. Then there are other limitations, such, namely, as apply generally to all improvements. One of these is that no claim may be made in respect of an improvement which is contrary to any contract hereafter voluntarily entered into by the tenant, and which is not required for the due cultivation of the soil. The House will here observe the operation of the principle which I have laid down—that, speaking generally, we do not allow parties to "contract themselves out" of the Act. We are reluctant to allow parties by contract to divest themselves of all right to make improvements. We fear that under the circumstances of Ireland, an ostensible freedom in this respect might in reality nullify the effect of our legislation. We, therefore, absolutely reserve to the tenant, whether he will or not, the right to make all the improvements which may be required for the due cultivation of his farm, and we give him no discretion with respect to renouncing his right to improve, except in regard to improvements lying beyond the range of this definition. There is here a subsidiary proposition, to the effect that for the space of two years from the passing of the Act, or during the residue of any unexpired contract, the landlord may prohibit an improvement on the ground that it would be injurious to his estate, but subject to the condition that the Land Court agrees with him in that view. This is a provision which hon. Gentlemen will understand better when they see it as stated in the Bill. The object of the provision is to prevent the risk that unfair advantage might be taken of the period of transition and that the landlord might be damnified by operations which might be effected before a new contract could be entered into. There is yet another class of improvements also which are excluded from the provisions of the Bill; I allude to improvements executed by the tenant in cases where the landlord has let a farm under the condition that he will himself execute such improvements. For improvements which are the subject of such a covenant on the landlord's part, no claim can be made unless the landlord has failed in his undertaking. It is impossible, as we think, to deny that the first right to improve the soil belongs to the owner. We, therefore, give the landlord the right to undertake improvements, and we exclude the tenant from any interference with that right, until his landlord shall have shown that he does not intend to fulfil his obligation Lastly, there is another limitation in regard to claims for improvements. It is a limitation which arises under leases, and with this I will presently proceed to deal.

Thus far, Sir, I have mentioned four main provisions with respect to the occupation of land in Ireland; but I have also to deal with the case of land under lease, with respect to which it is necessary to make some separate provision. Many landlords may say that they do not object to granting security or stability of tenure, but that they prefer to do it by the method of lease rather than in the shape of compensation for eviction from yearly or other short tenancies. Where a lease is of competent length, we consider that the parties to it must be understood to be perfectly cognizant of the relations into which they enter; and we consider it to be found by experience that the more definite those relations the greater will be the exertion of the farmer, the more fully will he develop the agricultural resources of the country, and the more complete will be, as a general rule, the satisfaction of all concerned. Therefore we think the Bill should be framed, on the one hand, so as not to compel leases, but that it should, on the other hand, be so framed as in no way to discourage them. We therefore say to the landlord by the Bill —"If you have heretofore adopted the system of leases, we are unwilling to do anything to drive you out of it; but if you are disposed to adopt for the first time the system of leases rather than to allow customs of a somewhat indefinite character to prevail, or to allow yourself to fall under the scale of damages for eviction, we will lay down the conditions under which you may do it." A landlord, then, may, according to the 16th clause, exempt his lands from being subject to any custom, except the Ulster custom, or from being subject to the scale of damages, provided he agrees to give the tenant a lease such as I will now describe. First, it must be for thirty-one years; and, secondly, it must leave to the tenant at the end of those thirty-one years a right to claim compensation under three heads—first, the head of tillages and manures—and it is as much for the interest of the landlord as of the tenant that the latter should retain that right, as otherwise the ground would run out with the lease; secondly, for permanent buildings; and thirdly, for the reclamation of land. But besides this, the lease must be in regard to rent, and to covenants, approved by the Court. The House will at once see why we are reluctantly obliged to make the Court in this particular instance the arbiter of the prospective arrangement between the tenant and his landlord. And the reason is this. By the Bill the tenant is invested with a certain title in his holding—a title to claim for improvements absolutely if he retire, and a title to claim for customary payment, or for damages and for certain improvements, if he be evicted. Thus the actual tenant is put in possession of an inchoate or presumptive right. Now, we are going to allow the landlord by leases to bar that claim on the part of the tenant and to substitute for it the conditions and incidents of leasehold tenure. If, however, we do that, it is evident we cannot leave it to the landlord to dictate absolutely the rent he might demand, or the conditions he might insert in the lease, for that would enable him absolutely to nullify the whole interest we have created on behalf of the tenant. Therefore, to have the effect of barring good-will or customary payment, a lease must be not only one for a term of thirty-one years and one reserving certain rights to the tenant at the end of that term, but it must also be in terms subject to the approval of the Court. So much for the leasing power at the present moment. But we have also the future to consider. And the idea we have is this—We wish to grant to the landlord the permanent power, if he think fit, of keeping the general claim for good-will off his estate. This cannot, of course, be done by one lease. It can be done by one lease as far as the particular term and the particular person is concerned, and that lease would be for thirty-one years independently of any landlord's improvements, or might alternatively be for twenty-one years if the improvements are to be made by the landlord and if the farm be of a certain value. But the situation of the parties at the end of that term will be altered. If the landlord, after the land has been held on one of these statutory leases, does not think fit to continue the system of leases, good-will will immediately grow up as a plant grows from the ground. If he gets a yearly tenant, or allows his lessee to become a yearly tenant, or a tenant at a short term of years, the new tenant, or his lessee, as the case may be, will be invested with a title to good-will: but the landlord may, if he think fit, follow up the thirty-one years' lease with a second lease; and if he chooses to keep up a series of these leases he may hold his land under lease perfectly free both from the intervention of any claim for good-will and from any further intervention of the Court. The intervention of the Court is necessary up to this time because the lease is to bar the presumptive right which the Act would give to the tenant; but at the expiration of the first lease, the transaction, as far as the tenant is concerned, will be wound up, and the landlord will be under no obligation to anybody except to give a lease conformably to the conditions enacted by the Act. He may take the lease into the open market, and give it to the best bidder; but if he cannot find anybody to take it, and if the land falls under an inferior description of tenure, he will be liable to good-will just as if he had never given any lease at all. I have here used the phrase good-will as equivalent for the payments to be made either under what the Bill terms other custom, or under the Scale Clause.

We have been very anxious to avoid by this Bill any interference of a public authority with any existing rent; but when we look at the case of Ireland we are compelled to admit that of late years especially there may have grown up in certain cases contracts for rent of a character most extravagant, which it is totally impossible for the tenant to pay and at the same time to live upon his holding. I will mention a case which was told me by the proprietor of an estate in Ireland. He said, in substance — "There is an estate adjoining mine, which was sold in the Encumbered Estates Court. The land on both sides of the border is of exactly the same quality. My land is rented at 15*s.* an acre, and I consider it rather moderately rented; no doubt if I tried I could get 18*s.* an acre for it; but not more with any kind of justice or moderation. The moment the land adjoining mine was sold in the Encumbered Estates Court a demand was made on the tenant for 32*s.* an acre. This was refused. But the rent was actually raised to 24*s.* an acre." It was absolutely impossible for a tenant to pay that amount of rent and live upon the land, but, under the pressure of this deadly necessity, which we say—not in all cases, but very often practically impairs—and which, in some cases, really destroys freedom of contract on the part of Irish occupiers, they have been compelled, as a question of dear life, to enter into agreements which they cannot fulfil with any justice to themselves. The Bill will proceed upon the principle — and my hon. Friend the Member for Cork (Mr. Maguire) who has taken so laudable an interest in this subject, cannot understand me too clearly on this point—that from the moment the measure is passed every Irishman, small and great, must be absolutely responsible for every contract into which he enters. By the Bill we endeavour to establish a fair and equitable state of reciprocal rights and duties, and having done this we ought to embody in it nothing that can encourage any man to tamper with good faith, or to disparage or undervalue in any shape security and solidity of contracts. But we do feel that in certain cases there is a given amount of difficulty as to some of those contracts now in existence, which may have been made under what we admit to have been an unfair and inequitable state of circumstances. Now, the provision we have made to meet the peculiar class of cases I have described is this. The case supposed is that such a man as I have just sketched to the House may find himself unable in good faith to pay the rent, or to make out of the land what every tenant ought to make in proportion to the rent he pays. We provide by the Bill that, as a general rule, eviction for non-payment of rent shall be held to be an absolute bar to any claim upon the landlord except for improvement; but with regard to those cases where the Court upon its responsibility and in its discretion finds special circumstances, we allow it in the exercise of its discretion to allow damages even though the eviction be for non-payment of rent. The clause runs as follows:—

> "For the purposes of this Act ejectment for non-payment of rent shall not be deemed disturbance of the tenant by the act of the landlord."

And with regard to all prospective contracts it is absolutely necessary that if the landlord evict for non-payment of rent that should not be in the sense of the Bill a disturbance of the tenant by the landlord, for the tenant will disturb himself by non-payment of the rent. But as respects present holdings, we add the following qualification :—

> "Unless the Court decide on special grounds that it ought to be deemed a disturbance in the case of a person claiming compensation on such determination of a tenancy existing at the time of the passing of this Act."

Consequently in one of these cruel cases where there is really a gross inequality to redress, supposing the man to make a fair offer of full and competent rent and to decline to be responsible for the excess, and supposing also that he was ejected from his holding for being unable to pay, that would be a matter for the jurisdiction of the Court, which might award to a man thus disturbed by the act of the landlord something in regard to the destitute condition into which he would be thrown and the injury he may be held to have suffered. Another provision of some importance, and one which will ease the working of the Bill, is that where the incoming tenant, even out of Ulster, has paid a sum of money to the outgoing tenant with the consent of the landlord, then if the landlord will not allow him to dispose of his interest to an incoming tenant, we provide that the Court shall have discretion to make an award against the landlord in respect of the sum so paid. I adverted some time ago to the notice to quit as an instrument through which in some cases, but I hope and believe not in many, most grievous suffering has been systematically inflicted. Now, as we have endeavoured to load eviction with conditions which may prevent its being used as an engine of arbitrary power, we think it also necessary to clog the action of these notices to quit. A notice to quit must, according to the Bill, be a notice for twelve months, instead of six; the term of notice must commence from the last gale day of the current year; and finally, every notice to quit must bear a stamp duty of 2*s.* 6*d.* It is said that there are some landlords in Ireland who entertain themselves from year to year by printing notices to quit on the back of their receipts for rent; and it is certainly intended, if they should feel it necessary for their own purposes to prosecute that amusement hereafter, that they shall find it more expensive than it has been herertofore.

Then there is another provision which I must mention, although I have already so long taxed the patience of the House; and it has relation to the county cess. We think that this Bill affords a convenient opportunity for dealing with the question of county cess. The House is aware of the recommendation made by a Committee of this House that the county cess should be placed upon the same footing as the poor's rates, with regard to its relation to the owner and occupier. We propose to assimilate it to the poor rate; but we hesitate to effect the change at once in regard to all holdings whatsoever. We therefore propose the following two-fold enactment. In the first place, in all new tenancies one moiety of the county cess shall be paid by the landlord and the other moiety by the tenant, according to the mode in which the payment of the poor's rates is now regulated; and in every old tenancy under £4 in value the occupier shall at once be relieved of it. We think that every landlord in Ireland would be disposed to say, with regard to these small holdings, where the sum is insignificant, that the change had better be made at once; but this plan could not be followed in the case of the larger holdings without causing probable disturbance to existing arrangements of rent, and this would be a disturbance which, particularly at the present moment, we should be very sorry to bring about.

Now, I think I have completed my very imperfect statement of the provisions of this great and necessarily complex measure. There are subjects of importance to which I have not adverted at all, and there are others on which I have but slightly touched, because I know that there are limits to the capacity of human attention, and I feel that those limits have been reached. We have toiled hard in the construction of this measure, but we are far from believing it to be perfect; and we invite, in unreserved good faith, the co-operation of all parties and of all Members of this House. Our desire is that when it has received the sanction of the Legislature it may become a great gift to Ireland, and may put an end to the grievances and sufferings which have so long accompanied the tenure of land in that country. We found it necessary to propose a Bill which, in our judgment, should be adequate. We sought to give security of tenure to the occupiers of the soil; and this we found it impossible to do by any less operative measure than that of, firstly, by attaching to evictions such conditions as would render them impolitic and difficult on the part of the landlord, unless there existed strong and most legitimate reasons why he should resort to this extremest remedy; and, secondly, of securing the evicted tenant, if he had fulfilled his contract, from the danger and the fear of being thrown out upon the world without carrying with him a fair and reasonable compensation—not only for the improvements which he had effected, but also for the deprivation of those means of livelihood which had been afforded him by the occupation of the land from which he was evicted. But we have not knowingly at least proceeded in any spirit of partizanship, and as we have afforded the occupier improved security of tenure, so also have we afforded the landlord improved security for his rent, and improved security, as we think, for the better cultivation of his land; indeed we have, I hope not unwisely, given him powers against the unauthorized subletting and subdividing of his property which he does not now enjoy; for the tenant, if he choose to resort to such a practice, will lose some of the greatest advantages offered him by this Bill. In addition to this we have likewise given to the landlord free scope to intercept by means of leases if he thinks fit the more exceptional operation of the Bill.

I may now, perhaps, be asked what we have done for the Irish labourer. For him we have done what the case will permit. We have allowed the tenant to subdivide and sublet for cottages and gardens, to be let to the labourers employed upon the holding; and, in offering from the public funds facilities for the acquisition of land, we have been careful not to exclude the acquisition of land in small quantities. But the only great boon —and it is a great boon—which it is in the power of the Legislature to give to the agricultural labourer in Ireland is to increase the demand for his labour, and, by imparting a stimulus to the agriculture of that country, to insure its requiring more strong arms to carry it on, and thereby to bring more bidders into the market for those arms, and raise the natural and legitimate price of their labour. Unless we are mistaken, one of the specific evils which has arisen from the practice of exacting an increased rent in proportion to an increased produce is, that many a small occupier is, out of fear of having to pay more for his holding, led to convert his tillage into pasture, or to keep land in pasture which ought to be converted into tillage. By either course of proceeding he lessens the demand for agricultural labour. But, if we can only convince every man that from the time this Act passes he will be able to prosecute his industry in security, and in the manner most advantageous to himself, so that all the land that is fit for tillage may be devoted to tillage, and that in a word the noble pursuit of agriculture shall be practically as well as theoretically free, we, in so doing, shall confer upon the agricultural labourer the greatest boon which it is in our power to bestow.

But, I may be asked why I think this Bill will be accepted, and what we believe will be its effect. Well, Sir, I reply that in our judgment the first effect of this Bill will be to render the landlords liable to charges which they do not at the present moment incur; but in landlords —speaking of them as a class—I repose so much of confidence that they will consent to bear the heavy responsibilities which attach to that species of property. I have known heretofore, and within the walls of this House, appeals made to the possessors of this great and primary form of property in this country to come forward freely for the general advantage— in which, of course, their own advantage is ultimately involved—and to bear burdens not hitherto laid upon them; and I have seen such an appeal freely and readily responded to. Of course, the general effect of this measure is to impose the possibility of an immediate loss upon the landlord. The landlord will absolutely lose his claim to many improvements heretofore made by his tenant, and if he evicts he will be subject to customary payment, or to payment under the scale of damages. But I am not prepared to admit that in the operation of this Bill, if it be in truth a well-devised measure for its end, the landlord will be ultimately a loser. It is my firm belief that he will be an ultimate gainer. In this matter it does not follow that what you take from one party you give to another, even though it be possible that there may be a loss in the first effort at rectifying their relations. With regard to the controversy whether Ireland is rented high or low—my belief is that if you look on the one hand to the quality and capacity of the soil of Ireland, and on the other hand to the condition of those who own and cultivate it, the land is rented low for the most part with relation to what the landlord receives, and yet in very many cases high as regards that share of the produce which the tenant obtains; and in now endeavouring to secure increased prosperity for the tenant we are pursuing this design by giving him encouragement and facility to extract it from the soil, and not by taking a single farthing from the pockets of the landlord. There is, as I believe, a huge fund of national wealth in the soil, as yet undeveloped. Every traveller in Ireland tells you that there is abundant wealth in the soil if you had but a better system of tenure, and that were the people but encouraged to use more freely their great energies in their agricultural pursuits we should speedily witness a great increase in the produce of the land. That increase some place at 30, some at 40, and others at 50 per cent; some even do not scruple to carry it to a still higher figure. But any of these estimates—and I believe the lowest to be much within the mark—represents a fund which does not now exist for any practical purpose, but which this Act will probably call into active and prolific existence—a fund which will be available primarily for the benefit of the tenant, but ultimately, without doubt, also for the benefit of the landlord. If, however, this proposition should be questioned, I ask you to fall back in mind to the figures I have given you in connection with Ulster, and to look to the security of rent and the larger produce in that Province as compared with the other Provinces of Ireland. I am persuaded, Sir, that if only we have the assistance of this House in adjusting the provisions of the Bill no long time will elapse before the landlord will have cause to rejoice not less than the tenant in the adoption of the measure by the Legislature. And if, on the other hand, I am asked why I believe the Bill will be accepted by the tenant, I will say that, though it does not profess to transfer to others the rights of the landlord in the soil, I still believe it will be accepted, and I found this belief upon a firm conviction of the truth of that remarkable declaration which was made two centuries and a half ago by one of the most acute observers of his day, Sir John Davies, the Attorney General of James I., whose writings upon Ireland are even now full of interest and instruction. In those writings are contained these memorable words—"There is no nation of people under the sun that doth love equal and indifferent justice better than the Irish." That was true in the 17th century, and nothing that has since happened has tended, in my mind, to shake its truth. The Irish people, as lovers of justice, while demanding justice for themselves will desire justice for others. Justice for themselves will have been obtained when they are able to pursue their industry in peace and confidence, with a certainty of reaping its fruits. More than that they will not ask; and as the whole aim of this Bill is to secure for them those great advantages, I am persuaded that they will accept it as a just and valuable boon. And if, again, I am asked what I hope to effect by this Bill, I certainly hope we shall effect a great change in Ireland; but I hope also—and confidently believe—that this change will be accomplished by gentle means. Every line of the measure has been studied with the keenest desire that it shall import as little as possible of shock or violent alteration into any single arrangement now existing between landlord and tenant in Ireland. There is, no doubt, much to be undone—there is, no doubt, much to be improved—but what we desire is that the work of this Bill should be like the work of Nature herself when on the face of a desolated land she restores what has been laid waste by the wild and savage hand of man. Its operations, we believe, will be quiet and gradual. We wish to alarm none; we wish to injure no one. What we wish is that where there has been despondency there shall be hope; where there has been mistrust there shall be confidence; where there has been alienation and hate there shall, however gradually, be woven the ties of a strong attachment between man and man. This we know cannot be done in a day. The measure has reference to evils which have been long at work, their roots strike far back into bygone centuries; and it is against the ordinance of Providence, as it is against the interest of man, that immediate reparation should in such cases be possible; for one of the main restraints of misdoing would be removed if the consequences of misdoing could in a moment receive a remedy. For such reparation and such effects it is that we look from this Bill; and we reckon on them not less surely and not less confidently because we know they must be gradual and slow; and because we are likewise aware that if it be poisoned by the malignant agency of angry or of bitter passions, it cannot do its proper work. In order that there may be a hope of its entire success it must be passed—not as a triumph of party over party, or class over class; not as the lifting up of an ensign to record the downfall of that which has once been great and powerful—but as a common work of common love and goodwill to the common good of our common country. With such objects and in such a spirit as that, this House will address itself to the work, and sustain the feeble efforts of the Government. And my hope, at least, is high and ardent that we shall live to see our work prosper in our hand, and that in that Ireland which we desire to unite to England and Scotland by the only enduring ties, those of free will and free affection, peace, order, and a settled and cheerful industry, will diffuse their blessings from year to year, and from day to day, over a smiling land.

Mr. GATHORNE HARDY: I join very heartily in the regret which was expressed by the right hon. Gentleman that my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) was not in his place to hear the remarkable speech which has just been addressed to the House, and the details of the measure which we are hereafter to consider. But I think it is only due to the right hon. Gentleman who has so addressed us that we should wait to see in the printed Bill the details which he has with great skill brought before us, but which, at the same time, there are but few in the House that have been able to follow to their full consequences and effects. I am sure there is no one in this House who would wish at such a stage to enter upon a discussion which would be only desultory and lead to no result. Therefore I have risen at once to recommend my Friends at least and I trust the whole House, not to enter now upon any discussion. We on this side would desire not to pledge ourselves to the causes and consequences which have been referred to in the early part of the explanation, or to the details of the Bill; but I can assure the right hon. Gentleman, on the part of those for whom I speak, that we will approach the consideration of the measure in that spirit which he has advocated, with an intense desire to realize to the full the results which he anticipated at the conclusion of his speech, and to make it, if it should pass, to use his own words, a measure just, practical, and conciliatory. And though we may maintain strong opinions in reference to what we call the rights of property, we are not indifferent to the duties of those who possess it; and with regard to landlords, tenants, and labourers of Ireland we have a keen sense of the evils which exist among them at present, though we may disagree with hon. Gentlemen opposite as to the causes; but if by this or by any other way we can redress them, we shall cordially lend our hand to do so. If I would comment at this moment on one part of the Bill it is because I fear it may lead to a misconception—I allude to the Courts which the right hon. Gentleman has described. What was said by the right hon. Gentleman with respect to them might lead to the impression that Ireland was about to become a scene of continual litigation. In introducing these various Courts for a particular purpose I hope he does not suppose that there will be an extensive use made of them, but that by the fact of their existence they will check litigation. I fear the impression may be made that that which was intended to be a boon to the landlords, tenants, and peasantry of Ireland will really be a boon to the lawyers of Ireland. I should be sorry that such an idea should go forth without remark. I hope the printed measure will be shortly in our hands. [Mr. GLADSTONE: On Thursday morning.] As to the day when the second reading of the Bill will come on, I trust that there will be sufficient time for everyone in the House, and everyone outside the House who is interested in the measure, to become acquainted with its details. I am informed that great numbers of the Irish Members are absent from the House on business of importance. I hope, therefore, that some reasonable time will be allowed before we proceed to the next stage of the Bill.

MR. GLADSTONE: My anxiety is on the one hand to meet the convenience of hon. Gentlemen absent in Ireland from reasonable causes, and on the other to give effect to our great desire to dedicate a sufficient time before Easter—Easter being rather late this year — to enable us to dispose of the early portions of the Bill, such as the Occupation Clauses. If we were to have the second reading in such time that we could go into Committee on the 21st of March that would be quite sufficient. As to the precise day for the second reading we are quite willing to meet the convenience of Gentlemen opposite, provided the time be not encroached upon which would be necessary for progress. If the Occupation Clauses were postponed until after Easter, it would be extremely inconvenient for the business of the Session. I think Monday, the 7th of March, would do very well for the second reading, if it would meet with the approval of hon. Gentlemen.

MR. GATHORNE HARDY: As far as I can learn from my Friends generally there would be no objection to the 7th of March. A Friend of mine, however, has received a telegram from Ireland according to which some who are over there wish for a later day. As to the 21st of March for Committee, it is not our object to interpose any unnecessary delay, but it is quite evident that the Bill must be mainly discussed in Committee. The right hon. Gentleman has stated that he does not wish it to be considered as in any way a perfect measure, but that it should be discussed in Committee as fully as possible.

MR. NEWDEGATE said, that so far as he could then understand the Bill, while the rights of the landlords to the money value of their property were to be respected, the other rights, the rights of disposal of the property, were from the very beginning of the Bill interfered with, and would, he very much feared, be altogether abrogated. He would not detain the House further than to protest against his being considered individually committed to the principle of the Bill.

Motion *agreed to.*

Bill to amend the Law relating to the Occupation and Ownership of Land in Ireland, *ordered* to be brought in by Mr. GLADSTONE, Mr. CHICHESTER FORTESCUE, and Mr. JOHN BRIGHT.

Bill *presented,* and read the first time. [Bill 29.]

WAR OFFICE BILL.—LEAVE.

FIRST READING.

MR. CARDWELL, in moving for leave to bring in a Bill for making further provision relating to the management of certain Departments of the War Office, said: I hope, although the House has been very much interested in the speech of my right hon. Friend (Mr. Gladstone), it will have a disposition to listen to the very short statement I propose to make with reference to this Bill. I ask them for their aid in effecting what Her Majesty's Government believe to be a very necessary and desirable improvement in the administration of the military Department of the country. I am sure it will be the opinion of the House that this is a measure which it is desirable to take in a complete and thorough manner, upon systematic principles, and with a definite object; and I think however we may do justice to the mode in which previous changes have been effected in a period of war and difficulty, the House will agree with me that it is wise to avail ourselves of a period of profound peace for the purpose of those further improvements which are now contemplated. Sir, the essential requisite of all improvement appears to me to be that we should lay the foundation of sufficient Parliamentary power and sufficient Parliamentary responsibility. Acting upon this principle, I shall discuss the subject very briefly to-night under three divisions. I shall say a few words upon the government of the Army —first, as regards its *personnel,* in the second place, as regards its *matériel,* and last, but not least, as regards the question of finance, which is essential to every alteration in the administration of the Army. I would ask the House for a moment to remember what was the state of the Army before the Crimean War. At that time the government of the Army was vested in the Colonial Secretary, who exercised, however, over its affairs, except in the colonies, rather a formal than an actual influence and control. The command, the discipline, the appointments, and the promotion of the Army were vested in the Commander-in-

Chief, who was subject to financial control in the person of an officer, now no longer existing with a separate office—the Secretary at War. The *personnel* of the Artillery and the Engineers, the *matériel* both of the Army and the Navy, and the care of the Barracks and Fortifications, were at that time vested in the Board of Ordnance, and the Commissariat rested with the Treasury. On the occurrence of a great European war, it was found necessary to put an end to this dispersion of the different functions connected with the Army, and the first step taken was the appointment of a Secretary of State for War, in whom all these duties were centred. And, Sir, I apprehend that the appointment of my noble Friend the late Duke of Newcastle to that office may be regarded as the declaration by the Crown and by Parliament of the principle of undivided responsibility in the person of the Secretary of State for War. I hold that the principle of undivided responsibility was established then, that it continues now, and that it is the basis and foundation of any changes in the administrative system and the government of the Army. Well, this part of the question being clearly established by that appointment, no further organic change was at the moment made. For a time the Board of Ordnance still continued, and the Secretary at War also still continued; but, in the year 1855, the Board of Ordnance was put an end to, and the office of the Secretary at War was united with that of the Secretary of State for War. And here, I may say, I am not surprised that offices so great as those of the Master General and the Board of Ordnance and that of the Secretary at War were not found compatible with the undivided responsibility of the Secretary of State. But I think, after sixteen years' experience, all those who know anything of the conduct of the War Department will agree with me that, although it may not be desirable to revive either the old Board of Ordnance or the office of the Secretary at War, yet it is absolutely necessary to the efficient conduct of business in the War Department, and to the due responsibility of that Department to this House for the expenditure it incurs, that there should be Parliamentary representatives both of the Store and the Ordnance Departments and also of those details of financial administration which property belonged in former times to the Secretary at War; while anybody who has filled the Office I have now the honour to hold will, I am sure, bear me out in saying that the Secretary of State requires additional assistance if, with the vast mass of business of an important nature which he has to consider and determine upon, he is to be able to give the answers that this House expects, and justly expects, upon the details of financial administration. I say then — and this is the point for which I now contend—that some additional Parliamentary representation, both of the Store Department and the Finance Department, is essential to any real reconstruction and improvement of the War Department. So much has been said on former occasions with regard to the functions of the Secretary of State, and to the vexed question of dual government, that I will, with the permission of the House, enter into a short explanation on that subject. I ventured to say on a former occasion, and I now repeat, that I hold there is not in principle any dual government of the Army; that upon the Secretary of State, the person who for the time being has been intrusted by Her Majesty's pleasure with the seals of office, and upon him alone, rests the sole responsibility for everything that is done and for everything that is left undone, and that there is not in principle and in theory—I am not now speaking of the practical result—any dual government of the Army. There are matters—namely, command, discipline, appointments, and promotion—which are mainly left to the person who for the time being is the General Commanding-in-Chief—the office which his Royal Highness the Duke of Cambridge now holds. With respect to command, it naturally belongs, not to a civilian, but to a soldier. With respect to discipline the same remark applies. But, Sir, does that exonerate the Secretary of State from his responsibility? Not at all. There was formerly, as the House is aware, a limitation of the patent; but even while that limitation continued in force the Committee of this House, of which the late Sir James Graham was the Chairman, expressly examined into the subject. And what was the result? Lord Panmure, who filled with great ability the office of Secretary of State for War, told the Committee—"The authority of the Secretary of State, I apprehend, is paramount at all times." Again, Lord Panmure was asked "whether the Commander-in-Chief would resist the interference of the Secretary of State in any question of military discipline?" His Lordship answered—

> "That no such difference ever existed between himself and the Commander-in-Chief, and he did not think that any Secretary of State for War would interfere gratuitously with the discipline of the Army, as exercised by the Commander-in-Chief."

But his Lordship added—

> "That if there were anything in the conduct of the Commander-in-Chief which required the interference of the Secretary of State, the Secretary of State has not only the right, but it is his bounden duty to interfere."

I am quite sure my right hon. Friend opposite (Sir John Pakington), and anybody who has held the seals of the Secretary of State for War, if asked the same question, would hold the same doctrine and give the same answer. General Peel said—"The responsibility of the Secretary of State is only equalled by his power." The late Lord Herbert, then Secretary of State, and other witnesses of great authority, gave the same answer; and the Committee state that, "notwithstanding the reservations in the patent, his Royal Highness the Commander-in-Chief admits the supreme control of the Secretary of State over the Army." Now, Sir, I have felt it my duty, in justice quite as much to his Royal Highness the Field-Marshal Commanding-in-Chief as for any other reason, to make this statement, because it is right that there should be no mistake and no misunderstanding on the subject; and again I assert there is not in principle a dual government of the Army. But with reference to command and discipline, the Committee over which the late Sir James Graham presided said—and I think they were right in saying—that it is not desirable there should be any doubt with regard to the functions that are proper to be discharged by a soldier exercising those functions under the authority of the Secretary of State. With respect to command, it is necessarily in all ordinary cases the function not of a civilian, but of a soldier. But out of military command more general questions may arise. I have already quoted Lord Panmure to show that if any question arose as to the mode in which the duties of that command were discharged it would be incumbent on the Secretary of State to interfere. Suppose any more general questions arose out of command—political, financial, or general questions, any questions, in short, which are not strictly confined to the military duties of the soldier—they would all come under the review of the Secretary of State. The same with regard to discipline. As to promotion and appointments the case is this — All appointments, of every kind, are approved by the Secretary of State before they are made by the Commander-in-Chief. If they are small appointments they are not brought under the personal notice of the Secretary of State, for the hours of the day would not be long enough to allow of that; but they are revised in his office and returned by the Under Secretary with his formal approval. Every appointment of any importance on which it is desirable there should be personal communication, is always personally considered with the Secretary of State before it is made, but it is made by the Commander-in-Chief. The control of the Secretary of State over promotion and appointment is complete. Sir James Graham's Committee said—

> "The Army is thus enabled to feel assured that the patronage of the Army as regards first commissions, and the ordinary promotions and appointments other than those which are self-regulated by purchase and seniority, will not be distributed with a view to political objects, or to the necessities of successive Governments. Nor will the discipline of the Army, as daily administered, vary in its character with each change in the civil department. Your Committee think that the introduction of any system which shall shake this reliance on the part of the Army would be prejudicial to the efficiency of the service, by introducing doubt and dissatisfaction where confidence should exist."

That, I think, is also doctrine which the House will be disposed to sustain. The limitation of the patent—a subject to which the Committee gave much consideration—ceased to exist. No Secretary of State since the late Lord Herbert's time has been restricted by the limitation of the patent; and all succeeding Secretaries of State for War have held their office upon the terms under which it is now held. I will next say a few words with reference to a document laid on the table last Session, in answer to a Motion made by an hon. Member of this House (Mr. O'Reilly). I do not hold that document to be one of any continuing obligation. It was drawn up by the late Sir George Lewis, who obtained for it the Queen's Sign Manual, and countersigned but he never took any further step with respect to it, nor even communicated it to his Royal Highness the Commander-in-Chief. During the time of three Secretaries—Earl de Grey, the Marquess of Hartington, and General Peel—that document was never seen in the office. While my right hon. Friend opposite (Sir John Pakington) was Secretary, it was casually found among the papers of Sir George Lewis, but my right hon. Friend took no step in reference to it. When I entered the office I found it in existence; I showed it unofficially to the Duke of Cambridge, but I made no official use of it, and it was laid upon the table of this House under the circumstances to which I have referred. I have communicated to His Royal Highness the Commander-in-Chief that, in the judgment of Her Majesty's Government, the document is not one of continuing obligation, and that being the case, the principle of undivided responsibility has remained in full force. There is, in reality, no dual government. With respect to the reserved forces, in which my noble Friend opposite (Lord Elcho) takes such an interest, I propose that measures should be adopted which will bring them into closer connection with the regular military force. I intend, with the sanction of my Colleagues, to propose such a division of labour, as we think will be desirable in the military Department. With regard to the second Department, that of *matériel,* I must do my right hon. Friend opposite (Sir John Pakington) the justice to say that the Control Department which took its rise from difficulties and disasters into which we were plunged during the Crimean War has worked in a very useful manner. The first step taken in reference to the establishment of such a Department was the evidence taken and report made by Sir James Graham's Committee; the next was the letter written on the subject by direction of Earl de Grey; the next was the appointment of the Committee presided over by Lord Strathnairn; and the final step was the adoption of the plan by my right hon. Friend opposite, at the time when Sir Henry Storks was appointed Controller-in-Chief. I give to my right hon. Friend the credit which is his due. I ask no credit for myself but that which may attach to my having cordially and to the best of my ability supported the system. But I am bound to say that I think so important a Department ought to be directly represented in the House of Commons. The Estimates for which this Department is responsible amount to nearly five millions of money, and while the Secretary of State for War ought not to desire to relieve himself of the responsibilities of his office, yet, I think, a division of labour is as important as united responsibility. Therefore, I propose to revive the office of Clerk of the Ordnance. I suppose that the proper mode of prescribing the duties to be performed by him will be by an Order in Council; but, speaking generally, commissariat, transport, barracks, clothing stores, munitions of war, and the manufacturing departments, would all be under his immediate supervision, and he would be able to give Parliament detailed information on these matters from his own personal knowledge. There remains the question of finance. No doubt the Secretary of State for War will always be responsible to this House for every question of finance connected with the Army; but the War Department, as a whole, is one in which details of finance are of great importance, and the individual who minutely manages all those details should have a seat in the House, in order that he might be able to answer the questions which are constantly put on points under his immediate control. The Act of 1855 abolished the office of Clerk of the Ordnance and that of Surveyor General of the Ordnance. We propose by this Bill to revive the office of Clerk of the Ordnance, and to create an office to be called that of "Financial Secretary of the War Department;" and we propose that both these offices should be held by persons having seats in this House. There will be three divisions—"Military," "Ordnance," and "Finance," and I feel a strong hope that when the division has been fairly and fully carried out the military administration of the country will be placed on a footing that may be expected to prove permanent and satisfactory. I have said that in theory there has been no dual government in this administration; but I never have contended, and I will not now contend, that there can ever be a complete unity in the administration till all the offices are in one building. Now, although we generally find that there is more difficulty in fixing on a site and choosing a place for our public buildings than in almost anything else we are called upon to do, I hope that in this case the difficulty will be surmounted. My right hon. Friend the First Commissioner of Works (Mr. Ayrton) is having a plan prepared for a building to accommodate all the branches of the War administration; and I shall be much surprised if he should not be able to present the House with one that will prove satisfactory. But even before we are all placed in one building I have arranged that all the correspondence between the two offices shall be at an end—that a common registry shall be established,—and His Royal Highness will use the council room of the War Office for any business, especially of the reserve forces, which he may have occasion to transact there. The correspondence coming from a distance is sufficiently heavy. Each day the two branches of military Department receive about 2,500 letters, of which 1,500 are sufficiently important to be registered. I have, however, the satisfaction of saying that during the year 1869 there was a falling off in the War Office correspondence to the number of 30,000 letters. This was mainly due to the introduction of the Control Department. I may again say that all the Departments will be under the undivided authority of the Secretary of State. The details of this arrangement were carefully considered by an able and laborious Committee which sat during the Recess. Lest anyone should suppose that from the transaction of so much business this will be an unreasonable amount of Parliamentary strength, let me ask hon. Members to contrast the state of things when I first entered Parliament, as compared with the duty now cast upon a single individual. The assistance given to the Secretary of State ought to be regular and not irregular, and though my hon. and gallant Friend (Captain Vivian) has given me his valuable assistance, yet he has no constitutional place in the War Office. I say, therefore, that as far as official position is concerned I stand almost alone to represent the War Department in this House. When I entered Parliament some years ago there were responsible for the War Department Lord Derby and his Under Secretary, Mr. Hope; Sir Henry Hardinge, Secretary at War; Colonel Peel, and Colonel Boldero. My right hon. Friend at the head of the Admiralty (Mr. Childers) has the assistance of my hon. and gallant Friend (Lord John Hay), the hon. Member for Montrose (Mr. Baxter) as his Financial Secretary, and the hon. Member for the Border Burghs (Mr. Trevelyan) as his Civil Lord. It is not for me to magnify my Office; but, considering the duties thrown upon the War Department by the regular and reserved forces, by supply, munitions of war, fortifications, barracks, the manufacturing Departments, the education of the Army, and cognate subjects, it would be neither judicious, wise, nor practicable to begin the re-organization of the military Department without first coming to Parliament and asking for an equal amount of strength to that given to the Board of Admiralty, although the amount we seek is far less than that given to the War Department when I first entered Parliament. The right hon. Gentleman concluded by moving for leave to bring in a Bill to make further provision relating to the management of certain Departments of the War Office.

Sir JOHN PAKINGTON: I have listened with the greatest interest and attention to the speech of my right hon. Friend opposite. His practical proposal is to introduce a Bill by way of effecting certain changes which he proposes in the constitution of the War Office, and I am sure the right hon. Gentleman will not think I am saying more than is fair or prudent under the circumstances, when I say I trust he will excuse me if I reserve any distinct opinion with respect to his proposals until I see the Bill which he wishes to introduce to the House. I would only say, that I fully recognize the ground upon which my right hon. Friend proposes to introduce this Bill, and that I shall be ready, as I am sure my Friends will be, to give it a fair and favourable consideration. I am happy, too, to say that in parts of the speech of my right hon. Friend I entirely concur. He dwelt very much upon the fact that under the constitution of the War Office, as it has existed for the last sixteen years, there has been, and there is, no dual government in principle. Indeed, I am not sure that I should not myself go further upon this point than my right hon. Friend, and with all due deference to the opinion of the hon. Member for Brighton (Mr. White), who seems to know more about the War Office than those who have served in it, I beg to say that I, having held the office of Secretary of State for about two years, have not found practically any dual government. I must further express my opinion that my right hon. Friend only did justice to His Royal Highness the Commander-in-Chief in the remarks he has made this evening. This is no new question. It was introduced last year by the hon. Member for Brighton himself, and I stated then that during the time I held office, I had no reason to doubt theoretically and practically the subordination of the Commander-in-Chief. It is only due to His Royal Highness to say that my right hon. Friend has acknowledged that there is no one who has more entirely recognized his subordination to the Secretary of State than the Commander-in-Chief has done; and he has done this not only theoretically, but practically. The next point upon which the right hon. Gentleman spoke—and here again I am disposed entirely to concur with him—was as to the necessity that exists for a Minister charged with the arduous duties of Secretary for War to have assistance in this House. Nobody, perhaps, ought to have had better opportunities of knowing with respect to the necessity of this assistance than myself, for it was my fortune to be transferred at once from the Admiralty to the War Office; and when I was First Lord of the Admiralty I was one of five officials representing that Department in this House; whilst, when I was transferred to the office of Secretary of State for War, in 1867, I found myself entirely alone. The present situation of the Secretary for War is, as the right hon. Gentleman has stated, one of the results of the changes that were effected in 1855, when the previous indefensible system in force at the War Office was put an end to. The system that prevailed in that Department before 1855 broke down, as everybody who had any knowledge of the subject foresaw it must do, whenever it was put to the practical test of carrying on a war; but, unfortunately, the change was not made until the breakdown had been discovered by experience, and then in the face of a war going on at the time. Of necessity then it was made with precipitation, and I have always been of opinion that it was carried too far. The Ordnance Department, for instance, ought not, I think, to have been made a mere branch of the office of Secretary for War. My right hon. Friend proposes to revive the office of Clerk of the Ordnance. I shall express no opinion upon that subject, however, until I have had an opportunity of considering the Bill. I was very much struck last Session by the most peculiar arrangement, as I then thought it, by which my right hon. Friend, feeling, as I did, the impossibility almost of a single Minister carrying on the duties of the War Office single-handed, transferred a Lord of the Treasury to the War Department. I prophecied last year that that arrangement could not be maintained, and I am glad that the right hon. Gentleman has come to the same conclusion, and has decided that the Secretary of State for War should receive the assistance of Colleagues in his own Department, to which he is not only entitled, but without which I do not believe any Gentleman holding this arduous office can carry on the business connected with it. My right hon. Friend proceeded to express great confidence that an early period the right hon. Gentleman the Chief Commissioner of the Board of Works (Mr. Ayrton) would provide him with plans for a new office. I can pronounce no opinion upon that subject. I can only hope that the right hon. Gentleman may be successful in this part of his scheme.

Mr. J. WHITE said, he rose in consequence of the personal reference which had been made to him by the right hon. Gentleman (Sir John Pakington), and hence he could not forbear remarking that when he found a pleasant unanimity existing between the front-benches on both sides of the House, the experience of many years had always induced him to look upon the subject of that unanimity with a vast amount of suspicion. He believed the best votes he had ever given were adverse ones to measures in favour of which the occupants of both front-benches went into the same lobby. He thought that the Bill of the right hon. Gentleman (Mr. Cardwell) would effect a notable improvement in the existing system at the Horse Guards and in the War Office. Seeing that the Government was pledged to bring forward a considerable measure of military reform, he must confess his disappointment that the Secretary of War did not propose to go still further in the direction he (Mr. White) had recommended last Session. In his humble judgment, a comprehensive scheme, which should embrace a thorough re-organization of our military administration, was not only a national requirement, but an Imperial necessity. The time was long past to tolerate, without protest, any mere patchwork, piecemeal legislation, bit-by-bit reforms, mere cobbling of old abuses to serve the turn of present or expectant placemen. What was required was that the Army should be popularized. It should not be, as it now was, a mere club for the aristocratic and the rich, but should be converted into a truly national service. The business or profession of a soldier should be made to be an occupation to be worked at, not played with merely, and the military career should be raised to such a condition that it should be sought for, not shunned by, deserving people.

LORD ELCHO said, he hoped the hon. Member for Brighton (Mr. White) would permit him to express the pleasure with which he had listened to the speech of the right hon. Gentleman opposite (Mr. Cardwell). The hon. Member had got the wild idea into his head that the Secretary for War was under the control of the Royal Prince, and he appeared to be unable to get rid of it. Questions had been asked in order to prove to him that he was wrong, and he had been told by many that his hobby was misplaced. The observations of the right hon. Gentleman opposite, coupled with the statements made by His Royal Highness the Commander-in-Chief himself, should have convinced the hon. Member that his bugbear was without foundation. But, in his opinion, the cause of this bugbear was really a geographical question of bricks and mortar, and could not be traced to divided authority. Possibly the bugbear would cease to exist when the Secretary of State and Commander-in-Chief controlled the Army from one office and under one roof. It had also caused him much satisfaction to hear that the building was to be constructed under the direction of the First Commissioner of Works (Mr. Ayrton). They had no doubt heard a statement from him that he was not a market gardener, nor an architect, nor an engineer; but within one week of the meeting of Parliament his hon. Friend had found out that he must be something more than a check clerk, and that he must know something of art, as all the public buildings of the metropolis were under his control. He was also glad of this measure, because it would do justice to his hon. and gallant Friend (Captain Vivian), who occupied the anomalous position of a Bashi Bazouk in the House as a War Lord of the Treasury; he would now be relieved from his position of Bashi Bazouk and become a regular soldier. The hon. Member for Brighton (Mr. White), who took large views of this question, scouted these "fiddling" reforms and demanded something great; but it was evident from his reference to aristocracies crowding the Army that he was thinking of the purchase system, the abolition of which, however, would somewhat interfere with his craving for economy. The principles of division of labour and unity of responsibility laid down by the Secretary for War would be found in the end to be a great reform, though perhaps its comprehensiveness was not discerned by the hon. Member for Brighton. Experience had proved the absolute necessity of controlling officers of State by a single head, and he was convinced that the measure of his right hon. Friend would not only be productive of efficiency but economy also. Whatever the result of the measure as regards the Army, it would prove eminently satisfactory to one hon. Member, though of course impossible to surmise at present who he might be.

MR. WHALLEY said, he did not agree either with the Bill or with the hon. Member for Brighton (Mr. White). He thought that in so far as they organized the War Department they were running contrary to the instincts of the country, which was opposed to a standing army. A standing army was regarded by the country as enormously expensive, dangerous to its liberties, and an element of weakness, as leading the people to trust their defence to mercenaries, which a standing army was. ["No, no!"] The Volunteer force, as far as it had been allowed to be developed by professional jealousy, had shown that it was enough, with those scientific corps that he would not object to maintain, for the complete defence of the country.

Major DICKSON said, he did not object to the Bill, as he considered that the military Departments should be represented in this House by a responsible Minister of the Crown; but he hoped it was not intended to take the patronage entirely out of the hands of the Commander-in-Chief; for if that were done a defect in the Navy which most people deplored would be copied in the Army. If supreme control in patronage were placed in the hands of a Secretary of State, political services would often be rewarded to the neglect of military skill.

Mr. HIBBERT said, he did not agree with the hon. Member for Peterborough (Mr. Whalley) that the people of England wished to abolish the standing army, but they wished it to be an efficient army. He wished to ask if it was intended to provide a system of control over the contracts in the Army of the same nature as existed in the Navy. The Army was a spending department as much as the Navy, and it ought to be as effectually controlled. In the Navy the whole of the contracts had been placed in the hands of the Secretary to the Admiralty, which had resulted in the saving of several thousands a-year. He wished to know whether it would not be possible to introduce a similar system of control into Army expenditure.

Mr. WHITWELL trusted that the gentlemen who might be appointed to supervise the new Departments of Stores and Finance would be chosen for their special qualifications to fill those offices. Hitherto it had been the practice to appoint military officers to vacant departments; but he was unable to see why a military officer was specially qualified to undertake the purchase of cloth.

Mr. MUNTZ received with satisfaction the statement that the dual government of the Army had ceased to exist. Even if, as was now stated, there had been a mistaken impression as to the fact of the existence of the dual government, the removal of that impression was highly desirable, for undoubtedly it had existed among numberless persons out-of-doors and also in the Army. The concentration of the Departments in a single building would also be advantageous, for until that was done dual government would not really have been got rid of. As to the abolition of the purchase system, he quite admitted that it would be impossible to carry this out all at once, but it could be done gradually. Sooner or later the question must be faced, and he was quite prepared to point out the manner in which it ought to be approached.

Lord JOHN MANNERS said, he understood the right hon. Gentleman (Mr. Cardwell) to say that he contemplated some considerable additions to the War Office. In the event of these being found necessary, he wished to know whether it was intended to extend the present building in Pall Mall, or to take into consideration the Report of the Treasury Commission, which recommended that the Army and Navy Departments should be brought into immediate juxtaposition with the other public offices.

Mr. CARDWELL: It was not my desire to convey to the House that any actual plan as to building had been determined upon, for on this point I am not in a position to speak with certainty. What I did say was that I was very sensible of the practical convenience and advantage that would result from the Departments being housed under one roof; and no effort on my part shall be spared to bring about that result as soon as possible. The arrangement which has been made to terminate all correspondence between the two offices, and to treat the whole correspondence as inter-official, is, I take it, a conclusive proof of the spirit in which we are acting. In answer to my hon. Friend the Member for Oldham (Mr. Hibbert), I would say that one of the first things I did after coming into office was to appoint a Committee to consider the question of contracts, as to which I feel great interest and am most desirous to prevent abuses. Finding that our friends at the Admiralty were exerting themselves with great zeal on the subject, I have instructed our director of contracts to keep in constant communication with them. Accordingly, we each have the fullest information of what is going on in the other branch of the service; and if either Department can get anything at a cheaper rate the other has the benefit of it. As to what the hon. Member for Dover (Major Dickson) said about political patronage, my opinion entirely agrees with his; and I quoted the opinion expressed by the Committee, which is also my own opinion, that political patronage, if introduced into the Army, would be the greatest possible mischief, and nothing shall induce me to be a party to anything of the kind. With regard to the hon. Member for Brighton (Mr. White) I do not know really what he wants me to state. My object was that we should begin at the beginning, and for that purpose that we should ask Parliament to give us the aid of a certain number of Parliamentary officials in re-organizing the Departments. Till that is done, if the House consents to the proposal, it would be useless to make any further statement. But when these appointments are made every possible despatch will be used in pushing forward the improvements contemplated; and I am persuaded we are beginning at the right end.

Motion *agreed to.*

Bill for making further provision relating to the management of certain Departments of the War Office, *ordered* to be brought in by Mr. CARDWELL and Captain VIVIAN.

Bill *presented*, and read the first time. [Bill 30.]

COLONEL BOXER.

MOTION FOR PAPERS.

SIR JOHN PAKINGTON: In moving for the production of the official correspondence with Colonel Boxer, I feel that it would be impossible for me now to enter into any explanations in the absence of those Papers; but I cannot refrain from expressing my hope and belief that when those Papers are laid upon the table it will be seen that the allegations of Colonel Boxer and his friends that I had given sanction to conduct which excited, and justly excited, the displeasure of my right hon. Friend (Mr. Cardwell) had really no foundation. At one time I was placed in a very similar position to that occupied by my right hon. Friend, and the line I adopted was very similar to his; and I am free to say that if I had remained in Office and been placed in the same position as my right hon. Friend, I should undoubtedly have taken the same line which he adopted. It has been recently said that when the occupants of both the front-benches agree there exists some room for suspicion; but I hope this is not a case of the kind. The principle on which the right hon. Gentleman has acted, I am sure, is a sound one, that no one employed in any Department of the Government ought to have a pecuniary interest in the supplies made to that Department.

MAJOR ANSON said, he hoped the correspondence to be laid upon the table would include every letter which had passed between the War Office and Colonel Boxer with regard to his patents from the time when he first became Superintendent of the Royal Laboratory.

MR. CARDWELL: I have every desire to afford full information. The Return, of course, will be made in accordance with the terms of the Motion; but if my hon. and gallant Friend (Major Anson) does not think these sufficiently comprehensive, I shall be happy to agree to their extension.

Motion *agreed to.*

Address for "Copy of Papers relating to the dismissal of Colonel Boxer from the office of Superintendent of the Royal Laboratory; together with Correspondence relating to War Office Letter to Colonel Boxer of the 4th day of January 1868, and to the connection of Colonel Boxer with Messrs. Eley."—(*Sir John Pakington.*)

STANDING ORDERS.

Select Committee on Standing Orders *nominated:*—Colonel WILSON PATTEN, Mr. BONHAM-CARTER, Sir EDWARD COLEBROOKE, Mr. HENLEY, Mr. CHARLES HOWARD, Sir GRAHAM MONTGOMERY, The O'CONOR DON, Mr. HASTINGS RUSSELL, Mr. SCOURFIELD, Mr. WHITBREAD, and Sir FREDERICK HEYGATE.

SELECTION.

Committee of Selection *nominated:* — Mr. BONHAM-CARTER, Sir GRAHAM MONTGOMERY, The O'CONOR DON, Mr. SCOURFIELD, Mr. WHITBREAD, and the CHAIRMAN of the Select Committee on Standing Orders.

House adjourned at Ten o'clock.

HOUSE OF COMMONS,

Wednesday, 16th February, 1870.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Women's Disabilities [31]; Juries [32].

Second Reading— Marriage with a Deceased Wife's Sister [11]; Provisional Orders Bills (Committees)* [19].

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.

(*Mr. Thomas Chambers, Mr. Morley.*)

[BILL 11.] SECOND READING.

Order for Second Reading read.

MR. THOMAS CHAMBERS said, as he had explained the provisions of this measure so fully when he introduced it to the House last Session, he should not now be justified in going over the arguments by which this Bill had been for twenty years supported in this House. The House had over and over again expressed its approval of the measure; and inasmuch as the Bill was perfectly simple and single in its provisions, he had nothing to do, especially as the opponents of the measure had courteously informed him that they would not oppose this stage, but to move that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Thomas Chambers.*)

MR. M'LAREN said, that when the Bill went into Committee he would move that the words applying the new law to Scotland should be omitted.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

WOMEN'S DISABILITIES BILL.

LEAVE. FIRST READING.

MR. JACOB BRIGHT, in moving for leave to bring in a Bill to remove the Electoral Disabilities of Women, said, that the effect of the measure would be to enable women householders who were possessed of the qualification established by Parliament to vote for Members of Parliament. This was in no sense a party question, and as the Bill had the support of many hon. Members, amongst whom were some of the most eminent Members of the House, he presumed that its introduction would not be opposed. He would therefore simply move for leave to introduce the Bill, and reserve what he had to say in its defence for a future stage of the measure.

Motion *agreed to.*

Bill to remove the Electoral Disabilities of Women, *ordered* to be brought in by Mr. JACOB BRIGHT, Sir CHARLES DILKE, and Mr. EASTWICK.

Bill *presented,* and read the first time. [Bill 31.]

JURIES BILL.

LEAVE. FIRST READING.

VISCOUNT ENFIELD, in moving for leave to bring in a Bill to amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries, said, the Bill was identical with the one introduced last year, and passed to a second reading on the understanding that it would not be further proceeded with at the time. Its provisions were the result of the labours of a Select Committee which sat two years, and examined a great number of witnesses.

Motion *agreed to.*

Bill to amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries, *ordered* to be brought in by Viscount ENFIELD, Mr. DENMAN, and Mr. HEADLAM.

Bill *presented,* and read the first time. [Bill 32.]

House adjourned at half after
Twelve o'clock.

HOUSE OF LORDS,

Thursday, 17th February, 1870.

MINUTES.]—SELECT COMMITTEE—Private Bills, *appointed;* Opposed Private Bills, *appointed.*
PUBLIC BILL — *First Reading* — Metalliferous Mines (6).

METALLIFEROUS MINES—(No. 6).

BILL PRESENTED. FIRST READING.

LORD KINNAIRD, in presenting a Bill relating to Metalliferous Mines, said, that the measure was founded on the Report of the Royal Commission, which was appointed in 1862, and reported in 1864. That Report was deserving of great consideration, because there were upon the Commission Gentlemen who had practical knowledge of the subject, from being connected with mines—one of them, indeed, having in his youth worked in a mine—as well as Members of Parliament representing what was called the mining interest. Those Gentlemen, though living in the neighbonrhood, were previously unaware of the dreadful mortality which prevailed among miners, and though largely interested in mining property, they unanimously recommended measures to be adopted to remedy the evil. Reserving for the second reading a more detailed statement, he might state, as his justification for introducing a Bill into Parliament, that nothing had been done since the Report was presented, and because Her Majesty's Government have so much business already in hand that they could scarcely be expected to take up the question this Session. Another point which justified his taking this course was the remarkable fact that, though there were several Acts of Parliament for the regulation of coal mines, no special Act had been passed relating to metal mines: the reason for this probably being that every now and then the public were startled by some terrible destruction of life, by the explosion of a coal mine, whereas in metal mines, though the accidents were greater in number, and the mortality far greater, yet no startling number of men fell victims at one time, and it thus happened that legislation for these mines had not been forced on consideration. The workers in coal mines were a healthy class, living longer and enjoying generally better health than agricultural labourers — a proof that mere employment underground was not injurious — whereas those employed in metal mines died off like rotten sheep at from thirty-five or forty-five years of age, fifty being reckoned old age for a miner. He did not propose to carry out all the recommendations of the Commissioners, as some it would be diffiult to define in an Act of Parliament; he proposed rather to lay down two sets of rules, one to be settled by Act of Parliament, and the other to be prepared by the owners or workers, and approved by the Secretary of State, in order to suit the special circumstance of different mines. Even among coal mines there was great variety, owing to differences of geological formation. In the neighbourhood of Newcastle, mine accidents generally arose from fire and explosion, whereas in Wales and other places they arose more generally from falling of the roof, owing to the lay of the geological strata. Still greater differences were found in metal mines at different places; and it would, therefore, be impossible to frame any rules in an Act of Parliament which would be applicable to all cases. He proposed, therefore, that special rules should be prepared by the owners or workers of mines to be approved by the Secretary of State for the Home Department. One recommendation contained in the Report of the Commission was a most important one, and might be acted upon, not only with regard to metal mines, but with regard to coal mines as well. It was, that the captain's agents or viewers should make a daily report in writing as to the state of the workings. That would be of great advantage and a great safeguard, for it would ensure a more careful supervision, and would place the responsibility on the right shoulders. It was impossible to suppose that a Government Inspector could properly inspect the miles and miles of underground workings which existed in some districts. In a recent case the miners had informed the viewer of the dangerous state of the mine, but no notice was taken, and an explosion, by which many lives were lost, soon followed. This could not have happened, if the viewer had been required to make a daily report. To carry out all the rules of the Bill would, he confessed, impose a very large amount of labour on the Home Secretary. He had at first the idea of proposing that there should be a Board composed of practical and scientific men, presided over by an Under Secretary, who should have a seat in Parliament. Nothing could be more satisfactory than such a proposal as that to the mining interests and to the miners themselves, and he believed it would be in a great measure the means of putting an end to strikes in the coal mining districts. There was another Bill before Parliament relating to coal mines, which would be read a second time on Monday next, and Her Majesty's Government would consider the question, whether a Minister of Mines should not be appointed, or some Board constituted to which all questions relating to mining might be referred.

Bill *presented*, and read 1^{a}; and to be *printed*. (No. 6.)

PRIVATE BILLS—STANDING ORDER COMMITTEE.

Standing Order Committee on, appointed: The Lords following, with the Chairman of Committees, were named of the Committee:—

Ld. President
Ld. Privy Seal
D. Somerset
M. Winchester
M. Lansdowne
M. Bath
M. Ailesbury
M. Normanby
E. Devon
E. Airlie
E. Hardwicke
E. Carnarvon
E. Romney
E. Chichester
E. Powis
E. Verulam
E. Saint Germans
E. Morley
E. Stradbroke
E. Amherst
Ld. Chamberlain
V. Hawarden
V. Eversley
Ld. Steward
L. Camoys
L. Saye and Sele
L. Colville of Culross
L. Sondes
L. Digby
L. Sheffield
L. Colchester
L. Silchester
L. De Tabley
L. Portman
L. Belper
L. Ebury
L. Churston
L. Egerton
L. Hylton
L. Penrhyn

OPPOSED PRIVATE BILLS—COMMITTEE OF SELECTION.

On Motion that the Marquess of Lansdowne, the Marquess of Bath, the Lord Steward, and the Lord Colville of Culross be appointed, with the Chairman of Committees, a Select Committee to propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill,

LORD LYVEDEN said, that last year it was understood that the Committee of Selection should act upon the rule that absence from the House should not exempt any Peer from attendance on Private Business. He should like to know how that Committee had exercised its discretion, and whether they had compelled the absentees to attend upon Private Bill Committees. If they had not, it was a very great hardship upon those who did attend. Private Bill Committees formed perhaps the most irksome business which any public man could undertake, taking up six of the best hours of the day, from 11 in the morning until 5, which was much longer than the time occupied each day by the Committees of the House of Commons. Moreover, the mode of selecting the Private Bill Committees was most undignified and unseemly; for in the middle of the most important debates one or two noble Lords were to be seen walking about with pencil and paper in hand, beseeching other noble Lords to sit upon certain Committees; and he had observed that from such solicitations they generally turned away with dislike, not to use a stronger term. Such a proceeding cast ridicule on the House, and he hoped it would be put an end to. He would suggest that Private Committees should consist of three instead of five Members—the number in the House of Commons being four. He also wished to know whether it was proposed to revive this Session the appointment of Joint Committees of both Houses—a plan which would greatly facilitate business and exceedingly diminish the expense. Then he considered that if Committees were to be chosen for party considerations the Committee of Selection itself was not impartially selected, for though two Peers were taken from one side and two from the other, still the Chairman of Committees who presided was an eminent partizan of one side of the House—though they all acknowledged his aptitude for business and personal integrity.

LORD REDESDALE said, he thought the noble Lord's last remark was a proof how little he had suffered from attendance on Committees, for he actually imagined that he (Lord Redesdale) was himself Chairman of all these Committees. [Lord LYVEDEN: You are Chairman of the Committee that appoints the others.] During all the years he had served on that Committee he had never known a dispute in it in regard to any appointment on party grounds. It was surely desirable that Committees should be taken from both sides, even where nothing of a political character could arise, and that care should be taken that the Bills connected with various boroughs in the kingdom should be impartially considered. Last Session the Private Business was light, and no difficulty was found in obtaining Peers who were in town and were willing to serve. He rather thought the noble Lord himself was asked, but declined, urging the no doubt really good excuse that his health would not enable him to attend them. He entirely denied that the manner in which the Committees were appointed excited ridicule. The Committees of their Lordships' House had secured greater confidence and approval on the part of the public than those in the other House, and he thought it undesirable to make any change in a system which experience had proved to work well.

EARL GRANVILLE said, he agreed with much that the noble Chairman of Committees had said, especially as to the propriety of selection from both sides of the House. He agreed, however, with the noble Lord (Lord Lyveden) that the large number of Peers who did not attend the debates should be called upon to serve on Private Bill Committees.

Motion *agreed to.*

PRIVATE BILLS.

All petitions relating to Standing Orders which shall be presented during the present session *referred* to the Standing Order Committee, unless otherwise ordered.

TENURE OF LAND (IRELAND)—FOREIGN COUNTRIES.

MOTION FOR RETURNS.

Lord CAIRNS *moved* for—

Copies of all Returns recently received by Her Majesty's Government from Poor Law and other official persons in Ireland as to the tenure, occupation, and improvement of Land, and the condition of Agricultural Labourers in that country: Ordered to be laid before the House:

Also, Address for Copies of any Reports received from Her Majesty's diplomatic servants or consuls abroad as to the tenure and occupation of Land in Foreign Countries.

Motion *agreed to.*

PUBLIC BUSINESS—ARRANGEMENTS.

QUESTION.

EARL BEAUCHAMP rose to ask Her Majesty's Government what arrangements they propose to make with regard to Public Business in this House. He had several reasons for putting the question. Last year, as their Lordships would recollect, one or more measures of importance came before them at so late a period that the attendance of Peers had become very limited, and great dissatisfaction was felt at their being pressed forward in so thin a House. He did not wish to revive these discussions, but he wished to call the attention of the Government and of the House to the great waste of time under the present system. Parliament was summoned to meet on the 8th of February—it was now the 17th—and he believed he was correct in saying that as yet no notice of any public Bill had been given in that House by the Government. It was obvious that if so much time was wasted at the beginning of the Session a great deal of work would have to be crowded into the end. Now, in the Sessions from 1865 to 1868 various measures were submitted to their Lordships at a comparatively early date; and last Session great public benefit accrued from that course being taken with the Habitual Criminals Bill, which underwent a searching discussion, and in which very great improvements were introduced, much of the credit of which was due to its early consideration by their Lordships. The fact that most of the heads of Departments promoting legislation were mostly Members of the House of Commons was no obstacle to this course, for that Bill, though it naturally belonged to the Home Office, was introduced by the Lord Privy Seal, and he did not see why arrangements should not be made by which other Government measures might be introduced in their Lordships' House in the same way. A Speaker of the House of Commons, when asked by Queen Elizabeth what had passed in that Chamber, replied, with a bow, "Please your Majesty, six weeks." But it was to be hoped such an answer would never have to be given in these days; and their Lordships could materially assist in preventing this if Bills were submitted to them at an early period of the Session. It was most unsatisfactory to concentrate all the work of this House into a few weeks in July and August, when noble Lords were exhausted, and when many of them were breathing a purer air at a distance.

EARL GRANVILLE: The noble Earl's suggestion is not quite of a novel character, for I hardly remember a year since I have sat in this House when a similar appeal was not made; and I remember hearing Lord Aberdeen state that as far back as his experience went the same complaint had almost every year been made. The Joint Committee which sat last Session very much considered this question with some others; as also proposals for making certain changes by means of the Standing Orders; but they were unanimously of opinion that it was inadvisable to adopt them. After stating the evil the Committee said—

> "The Committee admit, with some qualification, the existence of the evil which it is proposed to correct, but are of opinion that it can only be remedied by general consent, and believe that there are objections to all the proposed modes of obviating it which make it unlikely that the House of Commons would take a different view now from that which they took in 1848, when a Bill moved by the Earl of Derby, and passed through the House of Lords, was referred to a Select Committee of the House of Commons, who declined to recommend it for adoption."

The Committee went on to say—

> "The Committee are of opinion that considerable expedition might be made in the progress of legislation if more Bills, especially those of a legal or ecclesiastical character, were to originate in the House of Lords. It seems to them, however, that the arrangement of public business between the two Houses can only be left to the discretion of Her Majesty's Ministers, having regard to the character and importance of the different measures introduced, and the opportunities afforded for discussing them in either House."

With regard to what occurred last Session, the introduction of certain measures into this House was, on some points, very successful, but on others it was not quite so; for your Lordships—whether rightly or wrongly, I will not now discuss—refused to consider the Amendments made by the Commons in the Scotch Education Bill when it came back to this House. Your Lordships are well aware of the excessive pressure of business in the House of Commons as well as in this House, but that your Lordships were exhausted at the close of last Session, I am disposed to question, for I saw very few symptoms of exhaustion, either collectively or individually. In that very month of July the amount of business in the House of Commons is overwhelming, and if the number of hours they sit were compared with our sittings they would be found, at least, three to one. I do not, therefore, think too much stress should be given to the plea of exhaustion. At the same time I am quite of opinion that important measures should be brought up to your Lordships in time for careful and serious consideration, and I can only say that it will be the duty and pleasure of the Government to have certain Bills laid before you. My noble and learned Friend on the Woolsack has arranged to present a Bill respecting procedure in the Highest Courts—a subject mentioned in Her Majesty's Speech—and also a Bill relating to Appellate Jurisdiction, which is one of great importance. On Thursday next, moreover, my noble and learned Friend intends to introduce a measure dealing with Naturalization; and I trust that legislation will not suffer from your Lordships having to deal with important Bills at a very advanced period of the Session.

THE MARQUESS OF SALISBURY: As a member of the Joint Committee to which the noble Earl (Earl Granville) referred, I venture to correct a statement which I think he inadvertently used—that they unanimously declined to recommend an alteration, either by Bill or by Standing Order, which would have carried forward into the ensuing Session Bills which were incomplete in the previous Session. I certainly never concurred in such a Resolution, and one who has gone from us, and who took an earnest interest in the matter—the late Earl of Derby—never, I am quite sure, consented to abandon the proposal. That Committee was more remarkable for the feeling disclosed on the part of Members of the House of Commons than for any Resolutions which it adopted; for those Members who spoke and acted with the greatest courtesy towards us candidly avowed that their reasons for objecting to any measure for lessening the glut of legislation at the end of the Session was, that the present state of things gave them much greater facilities for pressing through this House measures to which the majority of your Lordships are opposed than a more rational arrangement would offer. Now that really hits the core of the evil. There is no particular evil in our having nothing to do at the beginning of the Session, though it were to be wished the fates would give us a lighter summer and the Commons a lighter spring. We must not, however, complain if we have little to do now, and have to work hard by-and-by, but must endure it as well as we can. The practical result is, that measures are forced upon your Lordships at a time when there are not sufficient Members to give a real expression of your opinion upon them. There was a most flagrant instance of this last year. Within three days of the Prorogation most of us were dispersed, and it was generally understood that the Scotch Education Bill would not be proceeded with. So generally was this understood that I met a distinguished Member of the Government in France, who told me that there was not the slightest prospect of its being settled. All of a sudden, however, the Bill entirely remodelled in a sense already declared by this House to be most objectionable, was sent back, and at two days' notice, presented for our acceptance. The great zeal, energy, and assiduity of my noble Friend (Lord Redesdale) defeated that attempt. I came back myself, but, unfortunately, on the wrong day. Now, that is an instance of what, in a smaller degree, is constantly happening; and it is necessary that your Lordships should turn your attention to doing something with regard to which we do not want the consent of the House of Commons to make it impossible for such surprises to occur. If we arrange that legislation is not forced upon us when there is only an official *quorum* in the House, the responsibility of waste of time at this season of the year must be left with the Government.

EARL GRANVILLE said he did not wish to be guilty of an inaccuracy. The noble Marquess certainly supported his proposal in the Committee and the late Lord Derby also; but he believed the paragraph in the Report condemning it was adopted without a division.

EARL GREY: This subject is one of extreme difficulty, and without very great exertion on the part of the Government we cannot hope for an improvement which, as the noble Earl (Earl Granville) rightly says, has been earnestly desired for nearly three quarters of a century. It is necessary, both in justice to your Lordships and to the public, for measures are hastily passed the details of which require careful consideration, and which might be considerably improved if these details were more carefully examined. But it is impossible when 30 or 40 Bills appear in the Orders of every day in July and August that their details can receive more than nominal consideration. The result of our present arrangement is that Bills are passed which are ill-considered and ill-digested, and are certain in the course of a year or two to require amendment. The noble Marquess (the Marquess of Salisbury) has but stated the plain truth when he says that the evil cannot be corrected, simply because the House of Commons does not desire it, and that our only remedy is to do something which shall make that House desire this improvement. At one time we passed a Resolution that, except in cases of urgency, we would not give a second reading to Bills that came up after a certain date. During the short time that we adhered to that Resolution it was of some use, and if strictly enforced it would have been most beneficial. But what happened? The last time it was adopted the noble Lord (Lord Redesdale) moved it at the beginning of the Session, and strongly advised your Lordships not to adopt it unless you intended to adhere to it; while on both sides there was the strongest declaration that you would adhere to it except in cases of real urgency. Late in July, however, after I myself and most of your Lordships had left town, there came up a Bill of a very complicated character, requiring the gravest consideration—especially from noble and learned Lords—the Limited Liability Bill. It was a measure which had been much discussed for some years, and was by many deemed highly desirable; and I myself thought it so. It had no party character, but effected a large alteration in our commercial legislation, such as, if not done cautiously, would lead to great abuse. To the surprise, however, of many, the noble Earl (Earl Granville) then, as now, Leader of the Government in this House, gave notice that he would move that the Bill came within the proviso of urgency, though it had been talked of for years, and might perhaps with advantage have been discussed for three or four years more. I thought this Motion so outrageous that I thought it my duty to come up 300 miles and resist it; but on the Opposition side of the House there were present only about half-a-dozen Peers, and there was a majority of persons holding Office of double that number. We accordingly proceeded to discuss the Bill, and my noble Friend (Lord Overstone), who had the greatest acquaintance with the subject, expressed the strongest opinion against the hasty passing of such a measure. He truly said that every clause required weighing with the greatest care. But the official majority overbore us, and it was passed with merely nominal consideration. Lord Overstone did what he could to amend it, and I lent him my humble assistance; but it passed substantially as it came up. The result has been that it has literally fulfilled every prediction contained in the remarkable Protest entered on your journals by Lord Overstone; indeed, reading it now, and comparing it with the actual operation of the Bill, it reads like history and not prophecy. Parliament has never passed a measure productive of more private suffering, more cruel injustice, more flagrant wrong to persons incapable of protecting themselves. The noble Lord (Lord Redesdale) has naturally declined to move such a Resolution again; but I hope that when you can stop hasty legislation in a way which cannot be deemed unjust, and when by allowing crude legislation to go on you cause great evil, your Lordships will revert to the plan of refusing to consider any Bills sent up at later than a proper date, and will firmly adhere to it. The result would probably be considerable inconvenience for one Session, and a great outcry at the postponement of some measures; but the House of Commons would find means thenceforth of taking care that we should have Bills at a proper time. I have no hesitation in saying that that House has the power of doing so. I am not an advocate for a great many Bills beginning here. A certain class of Bills may do so with advantage; but I am bound to admit that with the majority of Bills their passing would not be facilitated. I admit also that there are objections to the plan proposed by the late Lord Derby for providing by an Act of Parliament taking up Bills in a subsequent Session; but I see no reason why the House of Commons should not accomplish the same object by Standing Order. They might resolve that when a Bill had passed their own House so late in the year that it could not be sufficiently considered here, it should by a single vote be at once read three times in the ensuing Session and sent up here. The adoption of that course would lead to a great improvement in our legislation—especially if coupled with other measures for improving the machinery of business.

THE EARL OF KIMBERLEY: I am glad to hear the noble Earl's opinion that it is not desirable, as a general rule, that Bills should originate here. His long experience must have shown him that, except as to Bills of a certain character, their passing would be greatly endangered by their introduction here. The present Government are surely not open to blame, for last year we introduced more than one Bill of considerable interest, and this Session we propose to introduce measures of a legal character. The Habitual Criminals Bill is a very good illustration of the fact mentioned by my noble Friend (Earl Granville), that the House of Commons also is so overwhelmed with business at the end of the Session, that it has sometimes great difficulty in considering Bills in a satisfactory manner. I naturally took great interest in that Bill, and I confess that as the Session advanced I had great doubts whether it would not be dropped in that House, of which there was considerable danger. Now, if that was the case with a Bill which met with general approval, it is much more likely to happen with Bills which excite differences of opinion. The noble Earl opposite (Earl Grey) took the opportunity afforded by this discussion of making a trenchant attack on the Limited Liability Act, seeming to think that as the commercial crisis occurred since its passing, it was caused by it. Now, I will not give an opinion on a subject not properly before the House; but though there is no man to whose opinion on commercial questions I am more inclined to defer than Lord Overstone, and though fully valuing the opinion of the noble Earl himself, I venture to think that that crisis was not caused by that Act. I think also that, whatever regulations had been laid down for the conduct of Public Business, Lord Overstone and the noble Earl would, in the discharge of what they felt to be their duty, have attacked that measure and offered all possible opposition to it. They laid hold of the noble Lord's (Lord Redesdale's) Resolution, simply on a principle "any stick to beat a dog." That Resolution was not convenient, for I had often myself to propose the suspension of it—which showed no negligence on the part of the then Government, nor any disrespect to this House, but simply that it was impossible to carry it out. I question, indeed, whether it is competent or proper for this House virtually to decide when the Session is to terminate; for Parliament is called together by the Crown, and it is the duty of both Houses to remain until the business is completed. With regard to the Scotch Education Bill, I regret that an impression sprang up, owing to some indecision in the House of Commons whether it should be proceeded with, that it would be abandoned; and I admit that that might have given some ground for objecting to its consideration by your Lordships; but, irrespective of that misunderstanding, it was clearly the duty of your Lordships, in the case of a Bill which had undergone protracted discussion in the other House, to remain and discuss it in its amended form. Last Session was, no doubt, an unusual one, and measures of great importance occupying both Houses, some others were driven off very late;

but whatever Government may be in power it will always do its utmost to facilitate the passage of Bills through the other House. From the very commencement of the Session, there is a continuous struggle on the part of Members of the Government to send up measures to your Lordships in sufficient time, knowing as they do the risk which otherwise attends them.

THE EARL OF CARNARVON: Like the noble Earl (Earl Granville) I scarcely remember a Session which has not been opened with a somewhat similar discussion—namely, a question as to what Bills the Government would introduce, a certain number of speeches on both sides, and a more or less satisfactory assurance from the Government. I am sorry to say that the noble Earl's answer to-night must be classed with the less, rather than with the more, satisfactory assurances, for he offers us a more meagre programme than has been customary on former occasions. Last year, six or seven Bills were introduced here—including the Habitual Criminals Bill, which was thoroughly sifted by your Lordships, and in which some important Amendments were made; the Governor General of India Bill, which, it is true, was subsequently altered, but the discussion on which was useful; and the Scotch Education Bill. All those were important measures, and there were four others of less moment. The present programme is comparatively small, and I should be glad if the Government would consider the practicability of giving us rather more occupation before Easter. Unfortunately, the Members of the House of Commons were unwilling to accept the proposal of my noble Friend (the Marquess of Salisbury) last Session; and if the Government decline to give us a reasonable amount of work whereon to employ ourselves in the early part of the Session, it must remain for this House to consider what course it will take. I cannot say what would happen if the more stringent measures which have been hinted at were adopted; but it is our duty not to be parties to confessedly bad legislation. I do not say that the present Government are more to blame than previous Governments; but it is impossible to do justice to the Bills which flow in upon us in July and August, and this House practically loses all sense of responsibility in dealing with them; crude measures are consequently passed, and the only marvel is how such legislation can ever be made to work. If the Government can devise no expedient for a more equal distribution of labour, it becomes the duty of this House to refuse its assent to Bills, no matter how important, rather than be a party to crude and often dangerous legislation.

LORD LYVEDEN said, the real truth was the government of the country was in the House of Commons, and no Minister liked to introduce a measure of importance into the House of Lords until he first knew what was likely to be the feeling of the House of Commons with regard to it. In some instances, it was stated in evidence, Bills had met with an unfavourable reception in the other House, expressly because they had first been introduced into their Lordships' House. At the same time, it was very desirable that any Bills of a character admitting of their being brought forward in their Lordships' House should be so introduced, and his noble and learned Friend on the Woolsack had done well in promising Bills of a legal character for their consideration. Religious subjects might also be taken up with advantage in their Lordships' House; upon the Ecclesiastical Titles Bill, which had been promised by the Prime Minister—for instance, it would be very desirable to have the opinion of the Bench of Bishops. But a Resolution such as that which was suggested for the adoption of their Lordships would utterly fail to accomplish the object which was desired. In the case of some great Bill, like that of the present Session, or the Irish Church measure of last year, would it be possible for a mere Resolution to resist the progress of such a Bill? No. The same thing would arise which happened in the case of the Limited Liability Bill, and the House of Commons would sweep triumphantly through the Resolution. At that time, the Notices given for not insisting on the rule, upon the ground of urgency, were so frequent as almost to create a laugh. Nevertheless, it was most desirable that the Ministry should keep its eye upon such Bills as were capable of being introduced with advantage at an early period in their Lordships' House, so that these might not be delayed till the extreme end of the summer or even into autumn.

Lord KINNAIRD said, the best proof which could be afforded of the practical impossibility of carrying any measure until the feeling of the House of Commons had first been ascertained was afforded by the case of the Scotch Education Bill, which was introduced into their Lordships' House last year at the very beginning of the year and yet failed to become law. The Government seemed to have adopted the very best mode of advancing Public Business by introducing an unusually large number of Bills in the House of Commons at the very outset of the present Session, which would probably give their Lordships plenty of occupation at an early period.

Lord REDESDALE said, it was easy to say it was the duty of their Lordships to stay in town as long as there was any business to get through or till the Queen chose to release them from attendance; but everybody knew that this was not a practical observation — they all knew what occurred as the end of the Session approached. As to the Scotch Education Bill of last year, the House of Commons sent it back, no doubt: but when? It came back on the day that the Consolidated Fund Appropriation Act was read the third time. And how was the Bill treated after it had left their Lordships' House? The House of Commons after several postponements, read it a second time, and it was the next day committed *pro formâ* for the purpose of striking out nearly all the Amendments which had been made in their Lordships' House, and of putting the Bill back very nearly into the shape in which it was originally introduced. And that was the shape in which it came back to their Lordships on the 9th of August, Parliament being prorogued upon the 11th. The Bill could not be printed before the next day, and it was obvious that the Government would resist all Amendments, because the delay which would attend its going back to the Commons would lead to the loss of the measure. Under these circumstances he regarded the vote at which the House then arrived with the utmost satisfaction. It was emphatically a declaration of what the House felt to be due to itself, and it was a step taken with perfect independence, for not a single Member of the late Government voted in the division by which the Bill was rejected. A Resolution that the House would not read Bills a second time after a particular date he regarded as a most legitimate declaration; and it was a course which, if it were adopted by both Houses, would get rid of any question of privilege. The reason why he himself did not renew the Motion was that the other House of Parliament had objected to it, and he thought it was a proposal which, if made, ought to proceed from the Government and not from an independent Member. At the same time he had been very happy last year, in the debate on the Scotch Education Bill, to quote the authority of the present Prime Minister in support of such a Resolution. About ten years ago, when the right hon. Gentleman was not in Office, a Bill was sent down at a late period from their Lordships' House, for the purpose of enabling the Bishops of London and Norwich to retire. The right hon. Gentleman took exception to the period at which that Bill was sent down, and said that if the Government brought forward measures so late in the Session, it would be the duty of the House to adopt a Resolution that no second reading of a Bill should be taken after a certain day. With this high authority for the course he recommended, he hoped that the matter would be dispassionately considered, for all parties agreed that it was desirable legislation should be well and carefully matured. The same proposition which was made with regard to public Bills had been made and acted upon with the greatest advantage in the case of private Bills. At one time the utmost difficulty was experienced in getting these Bills at any reasonable period; but by fixing a date and adhering to it the Bills now came up on or before the day named, and if one was too late it was often accounted for by some exceptional circumstances. This had been accomplished simply by a rule of their Lordships' House—for no similar rule prevailed in the Commons. The question of extending the system of public Bills was one well deserving of consideration, affecting as it did the convenience and the best interests of the country. As to the introduction of legal measures into their Lordships' House during the present Session, two Bills had been mentioned in the Queen's Speech, which he thought belonged essentially to the class that might be presented to their Lordships, one having reference to the transfer of land, and the other to the distribution of real property in cases of intestacy.

THE LORD CHANCELLOR said, he wished to add a few words with reference to the two Bills which his noble Friend the Secretary for the Colonies had stated that he (the Lord Chancellor) was about to introduce. One of these had for its object to enable the courts of common law to make arrangements for carrying on their duties in certain cases in which difficulties were experienced. At this moment one of these courts was unable to exercise all its duties in a satisfactory manner, owing to the decease of one of its Judges, while in the other courts there are more than enough Judges to discharge the duty cast upon them. This state of things had induced him to bring forward a Bill, which he should ask their Lordships to read a first time to-morrow evening. If it had not been for the absence of his noble and learned Friend (Lord Cairns), who, after this present week would be absent from their deliberations for some little time, he would not have said a word upon the subject of the larger measure before actually introducing it; but as that measure was founded upon the Report of the Judicature Commission, which recommended changes of importance and of very great magnitude—and inasmuch as that Commission had been obtained by his noble and learned Friend, who himself presided over its labours, took the greatest interest in its deliberations, and assented to the Report at which the Commission arrived—he was most anxious before their Lordships lost the benefit of his assistance, to bring forward the subject in such a manner as at least to obtain from him a valuable opinion upon those recommendations on which the provisions of the Bill were mainly based. The other Bill was the Naturalization Bill, which would carry into effect a very large number of the recommendations contained in the Report of the Commission which sat on the subject, leaving only a portion of their recommendations undealt with, for reasons which, at the proper time, he would explain to the House.

ROYAL MINT.

MOTION FOR RETURNS.

LORD KINNAIRD, in moving for Statements connected with the Coining and Melting Departments of the Royal Mint, said, that these Returns, if granted, would show that a reduction of something like £6,000 might be effected in that office if a proper system were introduced. Great dissatisfaction existed with reference to the payment of the men at present. He had given much attention to this subject, and if these Returns were granted he should hope at some future time to prove that, instead of a loss being occasioned by coining, the Mint ought to yield a profit. He was glad to learn that the proposal to depreciate the sovereign for the purpose of paying the expense of coining had been abandoned. The two first Returns related to the gold coinage; the two next to silver. The two last Returns related to the cost of assay, and he believed the materials for which he asked existed in the Deputy Master's office.

THE MARQUESS OF LANSDOWNE said, there was no objection to produce all the information on this subject which could be produced; but probably his noble Friend would be satisfied with the first five Returns, and would not insist that they should be printed.

LORD KINNAIRD assented.

Motion, as amended, *agreed to:* Returns ordered to be laid before the House.

House adjourned at a quarter before
Seven o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 17*th February*, 1870.

MINUTES.]—NEW WRIT ISSUED — *For* Nottingham Town, *v.* Charles Ichabod Wright, esquire, Chiltern Hundreds.

NEW MEMBERS SWORN — Lieutenant Colonel Marcus Beresford, *for* Southwark; Hon. David Robert Plunket, *for* College of the Holy Trinity of Dublin.

SELECT COMMITTEE—Salmon Fisheries, *appointed.*

PUBLIC BILLS — *Ordered* — *First Reading*—Elementary Education [33]; Oyster and Mussel Fisheries Supplemental * [34]; Mortgages [35].

Committee — *Report* — Provisional Orders Bills (Committees) * [19].

THE RED RIVER SETTLEMENT.

QUESTION.

Mr. GOURLEY said, he would beg to ask the Under Secretary of State for the Colonies, If the Canadian Government has paid to the Hudson's Bay Company the contract price (£300,000), for the territory ceded by the latter; and, if not, if it is intended, owing to the recent hostilities at the Red River Settlement, to relieve both parties of the contract, and create of the territory a Crown Colony?

Mr. MONSELL, in reply, said, that the transfer of the Hudson's Bay Territory had not yet been formally made to Canada, and therefore, of course, the money had not been paid over. He was happy, however, to inform the hon. Gentleman that Her Majesty's Government, the Government of Canada, and the Hudson's Bay Company were all cordially co-operating together to bring about an arrangement with respect to the Red River Settlement. Only yesterday information was received which gave the Colonial Office reason to hope that the negotiations on the subject would be successful. It was obvious that it would be premature during the continuance of negotiations to make statements of the views or intentions of Her Majesty's Government.

RATING OF MINES.—QUESTION.

Mr. PEASE said, he would beg to ask the President of the Poor Law Board, Whether, in the measure preparing by Her Majesty's Government for "extending the incidence of rating," it is proposed that metallic mines shall become rated for the poor and other local rates?

Mr. GOSCHEN: It is the intention of the Government to introduce in the Bill to which my hon. Friend refers the principle of rating metallic mines; but I am sorry to say that I cannot as yet name the day on which I will ask for leave to bring in that Bill.

INDIA—THE PRESIDENCY BANKS.

QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask the Under Secretary of State for India, Whether the Government have had under their consideration the position of the Presidency Banks, and whether they propose to take any steps with reference thereto?

Mr. GRANT DUFF: In reply to my right hon. Friend I have to say that the Government has had, and still has, under its consideration the position of the Presidency Banks. Recent events have made the relation of the Government to those banks—which was always anomalous and unsatisfactory—more anomalous and unsatisfactory than ever. Indeed, the facts which I stated on Monday last, in reply to my hon. Friend the Member for Northampton (Mr. Gilpin), are the *reductio ad absurdum* of the whole situation. The question for the Government now to consider is, whether it should not withdraw from its position as a shareholder in the Presidency Banks, and we have asked the opinion of the Government of India on the whole matter, and especially as to the way in which it thinks our withdrawal could be effected with most advantage to the public and with least inconvenience to our fellow-shareholders.

POOR LAW—THE PONTYPRIDD UNION.

QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask the President of the Poor Law Board, Whether his attention has been drawn to the case of a pauper, named Ann Howe, who was removed in July last from the Union of Pontypridd to the Union of South Molton, together with her six children, although two of them were earning wages fully sufficient for their own maintenance; whether he was aware that the legality of the order was disputed; that, pending the appeal against it, the pauper and her family returned to Pontypridd, but failed to replace the two children in the situations they had previously held; and that the pauper, on again applying to the Pontypridd Union for relief, was threatened with committal as a vagrant; and, whether he is of opinion that it is desirable that any measure should be taken to prevent the recurrence of similar cases?

Mr. GOSCHEN: Yes, Sir, my attention has been drawn to this sad exhibition of parochial cross purposes. It is one of those occurrences which I believe are now comparatively rare, but which used to be quite within the common practice. I am informed that one of this woman's children was earning 10*s.* a-week. I am aware that the legality of the order was disputed. How she managed to raise the funds to carry herself and her six children 100 miles, I do not know. That is a matter which I have not been able to solve. It is not the truth that she was threatened with committal as a vagrant, but she was told that she was liable to have proceedings instituted against her. She was taken into the workhouse, and subsequently she received out-door relief. I believe the family are now in receipt of the same wages that they had before. The right hon. Gentleman asked me whether it is proposed that any measures should be taken to prevent the recurrence of similar cases. On an occasion of this kind it is impossible for me to go into a discussion of the Law of Settlement; but I do not think that because in isolated cases the application of the law has been injudicious and extravagant, it necessarily follows that the law itself is in fault.

NAVY—THE WHITWORTH GUNS.

QUESTION.

SIR JOHN HAY said, he would beg to ask the First Lord of the Admiralty, If he will lay upon the the Table of the House Extracts from the Report of Admiral Viscount Tamandaré to the Brazilian Minister of Marine, being the Replies of the Brazilian Naval Officers in command of ships in actual warfare in the Paraguay, to the seventh question, on the subject of the jamming of the shot in the Whitworth guns?

MR. CHILDERS: In reply to my hon. and gallant Friend I have to say that the Report to which he refers was confidentially communicated by the Brazilian Government, and that I do not think it should be published as a Parmentary Paper without the sanction of that Government. But I will, with pleasure, let my hon. and gallant Friend have a copy for his own use, and he will I think, find that it hardly bears upon the point suggested by his Question, as the jamming of the shot is not attributed to the construction of the guns, but to bad lubrication and powder.

THE AFFAIRS OF SERVIA.—QUESTION.

MR. GREGORY said, he would beg to ask the Under Secretary of State for Foreign Affairs, If Her Majesty's Government has received information of a large concentration of Turkish troops which has caused much excitement in Servia, and if any representations have been made on the subject to the Turkish Government, and with what result?

MR. OTWAY, in reply, said the attention of Her Majesty's Government was called to the alleged proceedings of the Turkish Government on the frontier of Montenegro, and they caused inquiry to be made on the subject, the result of which was the denial by the Porte that reinforcements had been sent to the frontier, and its assurance that it would not attack Montenegro. No account has been received of the excitement in Servia referred to by my hon. Friend's Question.

IRELAND—PRIMARY EDUCATION.

QUESTION.

MR. WINTERBOTHAM said, he would beg to ask the Chief Secretary for Ireland, When the Commission of Inquiry into Primary Education in Ireland, appointed in 1867, will make their Report, and what was the cause of the delay in doing so; and, whether their Report and the Evidence taken by the Commission will be laid upon the Table of the House before the Second Reading of the Government Education Bill for England and Wales?

MR. CHICHESTER FORTESCUE: The best answer I can give to the Question of the hon. Member is to read the following communication from Mr. Dunne, the Secretary of the Commission:—

"The Commissioners were confident that they would be able to have their Report ready by March. They have made very considerable progress, and have settled the larger portion of the Report and all the chief points which it should include. But it is very unlikely that, notwithstanding all their efforts to bring their work to a close as soon as possible, they will be able to have their Report finished in time to allow of its being signed before Easter. Referring to the terms of the Notice, you will permit me to observe that the Commission was appointed in 1868, and not in 1867; that witnesses have been examined from all parts of the country; that very important Returns which have been received from the National Board have been completed only during the past summer; the reports of Assistant Commissioners who examined schools in almost every county have had to be prepared, printed, and examined; and that an educational Census of the country has been taken, and has had to be carefully tabulated and examined. It is not surprising that, under these circumstances, the Royal Commissioners

> have found it difficult to bring their labours to a close as soon as they desired. I may also observe that the Duke of Newcastle's Commission on Primary Schools in England lasted for over three years, and the inquiry of the Duke of Argyll's Commission into Scottish Primary Education extended over a still longer period."

Of course, as soon as the Government are in possession of the Report it will be laid upon the table of the House. The last Question of the hon. Member is quite beyond my province, because I am unable to say on what day the second reading of the English Education Bill will be taken.

PERSIA—POSTAL COMMUNICATION.

QUESTION.

Mr. EASTWICK said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether the British Officers on the Telegraphic Staff in Persia have been deprived of the facilities of postal communication they have hitherto enjoyed, owing to a question between the Foreign Office and the India Office as to the incidence of expense; and, if so, whether any steps will be taken to restore those facilities?

Mr. OTWAY, in reply, said, attention having been called to the heavy charges in the Tehran Mission accounts for the cost of the monthly messengers between Constantinople and Tehran, and as it appeared that they carried all the correspondence of the telegraph department serving in Persia, under the Government of India, which amounted to more than than that for the mission, the India Office was invited to contribute half of the cost of these messengers. They, however, declined to do so, and stated that only a small part of such correspondence could be of an official character, and as such entitled to be carried at the public expense. Instructions were then given to abstain from forwarding to Persia for the telegraph department any packet not of a strictly official character, exception being made as regarded mere letters and newspapers, which were still allowed to be forwarded.

THE SCOTTISH PUBLIC OFFICES COMMISSION.—QUESTION.

Mr. FINNIE said, he would beg to ask the First Lord of the Treasury, If the evidence taken before the Departmental Commission appointed to inquire into the working of the Scottish Public

Mr. Chichester Fortescue

Offices, and other Government arrangements, will be printed; and, if so, when the Report will be laid upon the Table of the House?

Mr. GLADSTONE: The Report of the Departmental Commission to which the Question of the hon. Member refers has not yet been laid before the Treasary, and, therefore, it would be premature for me at this moment to say whether or not it will be laid upon the table of the House. At present, however, I am aware of no reason why it should not be laid upon the table in due course.

TRAMWAYS IN LONDON.—QUESTION.

Mr. W. H. SMITH said, he would beg to ask the Secretary to the Board of Trade, If it is the intention of the Board to make a Special Report on the Bills for powers to lay upwards of 125 miles of Tramways on streets within the limits of the Metropolis before those Bills are read a second time?

Mr. SHAW-LEFEVRE: The best answer that I can give to the Question of the hon. Member is to state that the whole question in now under the consideration of the Board of Trade, and I hope in the course of a few days to be able to make a statement with reference to the numerous Bills now before the House relating to metropolitan tramways. I may state that, in the meantime, the second reading of those Bills has been postponed.

INDIA—THE BOMBAY MILITARY FUND.

QUESTION.

Mr. DICKINSON said, he would beg to ask the Under Secretary of State for India, Whether, at the time when the Bombay Military Fund was transferred to Government in 1866, the then Directors of the Fund did not contemplate raising widows' pensions to the rate at which they stood prior to their reduction in 1851; and, whether the Fund is not in a position to justify such increase; or, if the state of the Fund has not yet been ascertained, when does he expect that it will be?

Mr. GRANT DUFF: In reply to my hon. Friend's first Question, I have to say that we have no information at all as to the intentions of the directors. In reply to his second and third Questions, I have to say that the eminent actuary Mr. Samuel Brown has been for a long time examining into the position of the fund, and that we hope before long to receive his Report.

PARLIAMENTARY ELECTION EXPENSES BILL.—QUESTION.

MR. WENTWORTH BEAUMONT said, he would beg to ask the hon. Member for Brighton, If he intends to proceed, this Session, with his Parliamentary Election Expenses Bill?

MR. FAWCETT said, it had been his intention to introduce a Bill upon the subject of Parliamentary election expenses at the very earliest opportunity during the present Session; but he now thought that it would be more convenient and decorous to postpone the introduction of that measure until the Select Committee now sitting to inquire into the subject had made their Report. It was not impossible that that Committee might embody in their recommendations the provisions he had intended to insert in his Bill. If they did so, he presumed that the Government would take up the question themselves. He thought that the time had come when such a measure should be taken out of the hands of independent Members, and taken up by the Government. Should the Government decline doing so, he promised hon. Members that the House should have the earliest possible opportunity of expressing its opinion upon a question of election reform which was being demanded by a daily increasing number of people.

NAVY—GENERALS OF MARINES.

QUESTION.

COLONEL FRENCH said, he would beg to ask the First Lord of the Admiralty, Whether the Generals of Marines on the active list are to be included in the retirement about to come out for Admirals on that List; and, if not, for what reason are they to be excluded?

MR. CHILDERS: I must ask my right hon. and gallant Friend not to press me to anticipate the information as to the new plan of retirement which I hope to explain to the House on Monday week. I will only say that the case of the Marines, as well as the other branches of the naval service, has been fully considered.

SPAIN AND PORTUGAL—TREATIES OF COMMERCE.—QUESTION.

MR. AKROYD said, he would beg to ask the Under Secretary of State for Foreign Affairs, If any communications have been received from the Portuguese or Spanish Governments, making overtures for the negotiation of a Treaty of Commerce with one or other of those Countries, offering a reduction of the Tariffs on the importation of British Goods, provided some reciprocal advantages be given for the importation of Spanish and Portuguese Wines; and, if so, if he will lay such Correspondence upon the Table of the House?

MR. OTWAY: Communications have been received from the Spanish and Portuguese Governments of the character described by my hon. Friend, and it is unnecessary to say that Her Majesty's Government are anxious to improve our commercial relations with both countries. These communications are being considered by the Government, and, therefore, I am unable at present to lay the Papers relating to them on the table.

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—QUESTION.

MR. BERESFORD HOPE said, that he rose to ask the Question of the hon. and learned Member for Marylebone (Mr. T. Chambers), which stood on the Paper in his name, under somewhat peculiar circumstances. His right hon. Colleague (Mr. Walpole), who was very anxious to meet this Bill with a Motion, was unable, in consequence of a domestic calamity, to be in attendance that night, and, therefore, he threw himself upon the indulgence of the hon. and learned Member, and begged him to postpone the Committee upon the measure which was appointed for that night. He must remark that when those who opposed the Bill made the hon. and learned Member a present yesterday of a stage in its passage, it was upon the understanding that the next stage would be postponed for some little time. With that prelude, he would ask the hon. and learned Member, Whether, considering the important collateral considerations raised by his Bill for legalizing Marriage with a Deceased Wife's Sister, he would fix some Wednesday for the Committee on which the question can be discussed in all its bearings?

MR. T. CHAMBERS, in reply to the Question of the hon. Member for Cambridge University, begged to remind him that this Bill was introduced last Session on the 25th of February, was read a second time on the 21st of April, and was finally withdrawn on the 4th of August. The delay between the first and second readings was solely in consequence of his having, at the earnest personal solicitation of the hon. and learned Member for Boston (Mr. Collins), given up the day for which the second reading had been fixed. How was that concession met on the part of some hon. Members who were opposed to the measure? It had been met by a count-out at five minutes past nine on an evening when the House had re-assembled at nine o'clock after a Morning Sitting, and by eight Motions for the adjournment of the debate and for the adjournment of the House. He was anxious that his opponents should have the fullest opportunity of discussing the measure; but he could not help stating that only six or seven hon. Members on the Opposition side of the House ever rose to offer an argument against the Bill, all the others who were opposed to it rising merely for the purpose of obstructing its progress. The question had been twenty-two years before Parliament, during which time it had been over and over again discussed. He regretted the absence of the right hon. Gentleman (Mr. Walpole), the Colleague of the hon. Member for the University of Cambridge (Mr. Beresford Hope), and, in order to afford him an opportunity of discussing the subject, he was willing to postpone the consideration of the Bill in Committee until to-morrow.

MR. T. COLLINS said, that his conduct having been called in question in that House with respect to the Bill introduced by the hon. and learned Member last Session, he must ask leave to be permitted to defend it, and, if necessary, he would conclude with a Motion. During the progress of the hon. and learned Member's Bill through the House last Session he (Mr. Collins) frequently told him that he should be perfectly content if he would fix the Committee for a Wednesday; but, instead of adopting that suggestion, the hon. and learned Member had persisted in putting the Bill down on the Paper so that it was likely to come on any evening after ten or eleven o'clock, and the result was that no one knew with any certainty when it was likely to come on. He had no wish to give a factious opposition to the progress of the Bill if the hon. and learned Member would fix the Committee for some Wednesday. The hon. and learned Member must not forget that, in consequence of the second reading of the Bill having been allowed to pass unopposed yesterday, he was two months in advance of his position last year. He opposed the Bill last year in order that the whole question of affinity might be raised, and he asked for delay now because he understood the right hon. Member for the University of Cambridge (Mr. Walpole) would shortly bring forward a Motion which would raise the whole question of affinity. If the hon. and learned Member would appoint a certain day for the Committee, he promised to offer no further obstructive opposition to the Bill. He wished it to be understood that he was not wantonly obstructing the business of the House by the course he had taken in reference to the measure last Session.

INTERRUPTION OF TELEGRAPHS.

QUESTION.

MR. BAINES said, he would beg to ask the Postmaster General, Whether he can now explain the very serious failure of telegraphic communication with regard to both public and private messages?

THE MARQUESS OF HARTINGTON: I am sorry to say that the expectations which I raised in the minds of hon. Members when this subject was last mooted in the House have not been fully realized, for during yesterday and the day before, very serious delays and very great inconveniences have occurred throughout the country from delays in telegraphic communication. The causes of delay connected with organization have been entirely removed, and the new system is now working as fairly as possible, and I trust I shall not be taxing the credulity of the House too much when I say that the cause of the delay during the last few days has been almost entirely beyond the control of the Department. The state of the weather has affected the wires to such an extent that a very large number of them have been rendered almost entirely useless during the last few days. One of the most important circuits must be placed in this category; between Manchester and London only two wires out of seven have been in a working condition; we have had only one working wire between London and Dublin, and the same has been the case between London and Scotland. I know it may be said these things have not occurred before, and that this excuse has been invented to cover the shortcomings of the Department; but I have taken some pains to obtain opinions on the subject from engineers formerly in the employment of the telegraph companies and now attached to the Department. They assure me that these delays did frequently occur under the old system, but they also say that in all their experience they do not recollect a time since 1866 when the state of the weather so seriously affected the wires all over the country as it has done during the past few days. One engineer in charge of the south-eastern district, which may be taken as a sample of the others, reports that, upon a careful examination of the wires which would not work he discovered that, in consequence of the severe gale which had prevailed during the previous two days, accompanied by continual storms of snow and sleet, the insulators had in many cases been rendered of none effect from the wind having filled up the interstices with a mixture of small gravel and frozen snow. The House will, doubtless, be prepared to accept this as a reasonable explanation of the matter, and it may not be too much to assume that what has occurred in the south-eastern district must have occurred in other districts as well. I am happy to say the wires have worked very much better to-day, and that in hardly any instances has there been much accumulation. This we believe to be owing to the drier state of the weather, but until we have a complete thaw and some sharp showers of rain we must not be surprised if delays occur. Delay has also occurred in the transmission of intelligence to provincial newspapers. The House is aware that the business of collecting and transmitting news has been transferred from the office to various press associations, but, owing to some want of concert between them, they have in many instances asked us to transmit three times the quantity of news formerly sent to the provinces; they have, in many cases, asked us to transmit the same news three times to the same place over the same wire; and although the associations have been informed by Mr. Scudamore that it is impossible to transmit such a quantity of news within the requisite time, they have not been able to come to any satisfactory arrangement. Until some arrangement is come to between them, it is quite impossible for the Department to give them entire satisfaction. I trust, however, as far as the transmission of general messages is concerned, the country will, in a few days, hold the Department in better estimation than it does at present.

ELEMENTARY EDUCATION BILL.

LEAVE. FIRST READING.

MR. W. E. FORSTER, in rising to move for leave to bring in a Bill to provide for public Elementary Education in England and Wales, said: If ever an apology was due to the House it is due from me to-night;—for, in expounding the principles of a measure so important as that which I have the honour to bring forward, the House might very well expect that clearness and facility of expression, of the want of which I am painfully conscious, and I can assure them that if I allowed myself to dwell upon my own deficiencies I should be hardly able to address them. But I confess I forget these deficiencies, and I believe the House will also forget them, in the important work we all of us have to try this evening to begin.

The subject of primary education is, indeed, one of great and serious importance, and I believe we approach it with a due regard to its importance. We approach it not merely with the hope of doing great good, by removing that ignorance which we are all aware is pregnant with crime and misery, with misfortune to individuals and danger to the community, but with the knowledge that it is possible, in a measure of this kind, with an intention to do good, to do harm. The question of popular education affects not only the intellectual but the moral training of a vast proportion of the population, and therefore we must not forget that in trying to do great good it is possible to do harm. I am sure, therefore, we all feel that a grave responsibility rests on the House; and whilst there is a feeling of urgent necessity of dealing with the question, there is also a feeling that it must be dealt with wisely and with great care. The knowledge that that feeling of responsibility is acknowledged by the House relieves me of a double task.

I need not detain the House with any reasons for bringing an Education Bill forward, nor need I ask hon. Members opposite to divest themselves of all party considerations in regard to this measure. I will not ask them to do so, because I feel confident they will do so. There never, I believe, was any question presented by any Government to this House which more demanded to be considered apart from any party consideration; nor do I believe there ever was a House of Commons more disposed so to consider it than the House I am now addressing.

Before I enter into details, I will make one remark with regard to the spirit in which the Government has framed this measure. I rejoice that of late the country has manifested so much interest in the subject. A great many meetings have been held, and, as was naturally to be expected, those who take part in them have divided themselves, more or less, into two camps. Those engaged at present in educational efforts endeavour to take care that they should not be unduly interfered with, while, on the other hand, those who say there ought to be a great improvement advocate systems more or less new. I have seen it stated that the Government measure will be a compromise between these two principles; but I may at once say that the Government has not brought forward this measure with any notion of a compromise. It is a measure too important to be dealt with in such a manner. It is our duty to look at the question on all sides, and without professing that we, and much less I, know more about this question than those gentlemen who have been doing their duty in pressing their particular views on the attention of the country, yet it is our duty to look around the question on both sides of it, and to consider the lessons of the past as well as the wants of the present.

Again, we are well aware that by no Bill dealing with this matter can we hope to effect real good, unless it be a Bill which does not merely meet present necessities, but also is capable of development, so as to meet the necessities of the future. Indeed, no Bill would really meet the needs of to-day unless its provisions are likewise adapted to meet the needs of to-morrow.

I am not going to detain the House with any long statement of facts, and still less do I intend to weary you with statistics; but there are two great categories of facts which I would beg you to bear in mind. The first is the broad fact of what we have existing at this moment in regard to primary education. I shall confine myself to that, respecting which we are pretty accurately informed, because it relates to the schools to which we vote Government money. Last year I moved the Education Estimate, and in addition to the money required for the central office, for Inspectors, and for normal schools, I asked for an annual grant of about £415,000 for primary schools in England and Wales. Of those schools about 11,000 were day schools and 2,000 night schools. The number of children upon the registers of those schools was about 1,450,000, and the average attendance about 1,000,000, representing, therefore, the education more or less imperfect of nearly 1,500,000 children. I say the education, according to these Returns, is very imperfect, because the attendance is very irregular, nevertheless the figures I have just referred to represent also a great amount of voluntary zeal, and much willingness on the part of parents to send their children to school. Now, while alluding to voluntary zeal, I must be allowed to state that I think no one could occupy my office without being fully aware of what the country owes to the managers of the schools at present in receipt of Government grants. Both before and during my tenure of that office I have had many opportunities of seeing those gentlemen at work, particularly ministers of religion of all denominations, though perhaps it has been my lot to see more of the clergy of the Church of England than of others. I have seen them at their work, and tried to help them occasionally; I know the sacrifices they have made, and not for a moment do I believe it possible that anyone who considers this question will disregard what they have already done, or will wish to do without their aid in the future. I sometimes hear it objected that they gain great influence by their efforts in promoting education. I believe they have not worked in order to attain that object, though far distant be the time when, in England, self-denying exertions, such as many of these gentlemen have made, will not give them influence!

Having alluded to what we already have, I will now ask—"What is it that we have not?" More or less imperfectly about 1,500,000 children are educated in the schools that we help—that is, they are simply on the registers. But, as I had the honour of stating last year, only two-fifths of the children of the working classes between the ages of six and ten years are on the registers of the Government schools, and only one-third of those between the ages of ten and twelve. Consequently, of those between six and ten, we have helped about 700,000, more or less, but we have left unhelped 1,000,000; while of those between ten and twelve, we have helped 250,000, and left unhelped at least 500,000. Some hon. Members will think, I daresay, that I leave out of consideration the unaided schools. I do not, however, leave them out of consideration; but it so happens—and we cannot blame them for it—that the schools which do not receive Government assistance are, generally speaking, the worst schools, and those least fitted to give a good education to the children of the working classes. That is the effect of the present system. Exceptions, no doubt, may be picked out; but, speaking generally, my assertion is borne out by the Reports presented annually by our Department, and particularly by the Report of last Session. I may also refer to the Report which will be speedily in the hands of hon. Members, in consequence of the Motion made last year by the hon. Member for Stoke (Mr. Melly), concerning the educational condition of four great towns—Liverpool, Manchester, Leeds, and Birmingham. That Report, I have reason to believe, will abundantly confirm my statement that we cannot depend upon the unaided and uninspected schools. I have not myself had the opportunity of reading that Report, for I was so anxious that it should be laid before the House with the least possible delay that I did not keep it in my hands for a single hour. But I have had the privilege of corresponding with the two gentlemen who conducted the inquiries; and therefore I believe I can give pretty correctly the figures with regard, at all events, to Liverpool, and they are figures which may well alarm us. It is calculated that in Liverpool the number of children between five and thirteen who ought to receive an elementary education is 80,000; but, as far as we can ascertain, 20,000 of them attend no school whatever, while at least another 20,000 attend schools where they get an education not worth having. In Manchester—that is, in the borough of Manchester, not including Salford, there are about 65,000 children who might be at school, and of this number about 16,000 go to no school at all. I must, however, add that Manchester appears to be better than Liverpool in one respect, that there are fewer schools where the education is not worth having. As a Yorkshireman, I am sorry to say that, from what I hear, Leeds appears to be as bad as Liverpool; and so also, I fear, is Birmingham.

I am not going to deal with facts at any length to-night. My noble Friend my predecessor (Lord Robert Montagu) takes a sanguine view of the present state of education, and quotes a deficiency in attendance of only 300,000 children. I will not now dispute his figures, which, indeed, would make out a case for a Bill; but I am afraid it is a far too sanguine view of the case. It is not, however, necessary to detain the House with any dispute as to the amount of educational destitution, because hon. Members will see, when they read the Bill, that the practical action of it will be limited to the proved need.

I have stated to the House what now exists, and I have endeavoured to form an estimate of what does not exist in regard to the education of the people. Now, what are the results? They are what we might have expected; much imperfect education and much absolute ignorance; good schools become bad schools for children who attend them for only two or three days in the week, or for only a few weeks in the year; and though we have done well in assisting the benevolent gentlemen who have established schools, yet the result of the State leaving the initiative to volunteers, is, that where State help has been most wanted, State help has been least given, and that where it was desirable that

State power should be most felt it was not felt at all. In helping those only who help themselves, or who can get others to help them, we have left unhelped those who most need help. Therefore, notwithstanding the large sums of money we have voted, we find a vast number of children badly taught, or utterly untaught, because there are too few schools and too many bad schools, and because there are large numbers of parents in this country who cannot, or will not, send their children to school. Hence comes a demand from all parts of the country for a complete system of national education, and I think it would be as well for us at once to consider the extent of that demand. I believe that the country demands from us that we should at least try to do two things, and that it shall be no fault of ours if we do not succeed in doing them—namely, cover the country with good schools, and get the parents to send their children to those schools. I am aware, indeed, that to hope to arrive at these two results may be thought Utopian; but our only hope of getting over the difficulties before us, is to keep a high ideal before our minds, and to realize to ourselves what it is we are expected to try to do.

The first problem, then, is, "How can we cover the country with good schools?" Now, in trying to solve that problem there are certain conditions which I think hon. Members on both sides of the House will acknowledge we must abide by. First of all, we must not forget the duty of the parents. Then we must not forget our duty to our constituencies, our duty to the taxpayers. Though our constituencies almost, I believe, to a man would spend money, and large sums of money, rather than not do the work, still we must remember that it is upon them that the burden will fall. And thirdly, we must take care not to destroy in building up—not to destroy the existing system in introducing a new one. In solving this problem there must be, consistently with the attainment of our object, the least possible expenditure of public money, the utmost endeavour not to injure existing and efficient schools, and the most careful absence of all encouragement to parents to neglect their children. I trust I have taken the House thus far with me. Our object is to complete the present voluntary system, to fill up gaps, sparing the public money where it can be done without, procuring as much as we can the assistance of the parents, and welcoming as much as we rightly can the co-operation and aid of those benevolent men who desire to assist their neighbours.

Now, I will at once proceed to the main principles that run through all our clauses for securing efficient school provision. They are two in number. Legal enactment, that there shall be efficient schools everywhere throughout the kingdom. Compulsory provision of such schools if and where needed, but not unless proved to be needed. These being the principles, I now come to the actual provisions.

The first provision that would probably suggest itself to the minds of all hon. Members would be a system of organization throughout the country. We take care that the country shall be properly mapped and divided, so that its wants may be duly ascertained. For this, we take present known divisions, and declare them to be school districts, so that upon the passing of this Bill there will be no portion of England or Wales not included in one school district or another. I think it would be convenient if I at once state what these districts would be, although the grounds upon which we have proceeded I will, with the permission of hon. Members, allude to hereafter. We have taken the boundaries of boroughs as regards towns, and parishes as regards the country, and when I say parish, I mean the civil parish and not the ecclesiastical district. With regard to the metropolis, the difficulties of which, from its peculiar position, defy almost all attempts at legislation, we shall be guided very much by the counsel and advice of the metropolitan Members; but after the greatest possible inquiry, we have come to the conclusion that the best districts we can take in the metropolis are, where they exist, the school districts already formed for workhouse schools, and where they do not exist, the boundaries of the vestries. If, then, we get all England and Wales divided into districts, our next duty is to ascertain their educational condition, and for that purpose we take powers to collect Returns which will show us what in each district is the number of schools, of scholars, and of children requiring education. We also take power to send down Inspectors and officers to test the quality of the schools, and find out what education is given. Then, I may at once state that if in any one of these districts we find the elementary education to be sufficient, efficient, and suitable, we leave that district alone. By sufficient, I mean if we find that there are enough schools; by efficient, I mean schools which give a reasonable amount of secular instruction; and by suitable, I mean schools to which, from the absence of religious or other restriction, parents cannot reasonably object; and I may add that for the purpose of ascertaining the condition of these districts, we count all schools that will receive our Inspectors, whether private or public, whether aided or unaided by Government assistance, whether secular or denominational. If we find the district adequately supplied, we let it alone so long as it continues in that state, retaining for ourselves the power to renew the examination from time to time. It would, however, be vain for us not to suppose that we shall find a vast number of districts—I am afraid the enormous majority throughout the area of the country—where the educational provision is insufficient, and where that is so, as it is by public inquiry that that insufficiency must be ascertained, so it is by public provision that that need must be supplied.

Now, in taking account of the elementary education before making public provision, we consider as elementary all schools that will allow our Inspectors to visit them; but, when we endeavour to make public provision for the necessities of the public, we deem it our duty to take security that the public gets what it wants, and, therefore, in the schools which we provide, and which we call public elementary schools, we define the conditions upon which schools ought, in our opinion, to receive public aid, and what they should, in our opinion, be responsible for providing. We consider that these public elementary schools should in future be subject to three regulations—one of them an old regulation, and the other two new. The old regulation, which is manifestly a necessary one, is that the school should be kept up to the standard of secular efficiency which Parliament from time to time may think it necessary to exact. The next regulation is a new one, and is one upon which I fear I may have to encounter some difference of opinion, though much less than I believe would have been the case last year. Inspection is absolutely necessary. Hitherto the inspection has been denominational; we propose that it should no longer be so. At present the state of matters is this—There are denominational Inspectors all through the kingdom, crossing one another continually in the most curious and inconvenient manner. But though there are denominational Inspectors everywhere, and though there are concordats which prevent certain schools from being visited by any but a denominational Inspector, the examination into the doctrines of the denomination applies to only one denomination. It is only in the Church of England that Inspectors have any power to examine with respect to religious doctrine. Now, we do not think that fair to other religious denominations. We think also—and I believe that that opinion is shared by many of the most active members of the Church of England and by many of the most hard-working of the clergy—that such a condition is unfair to the Church itself. I am not going to dwell upon this; but no one can for a moment be blind to the fact that there are different schools of doctrine in the Church; and I hear earnest clergymen complain thatthe children they instruct are subjected to examination in religious doctrine by an Inspector whose sentiments are different from their own, while an Inspector visiting a Wesleyan or an Independent school has no right whatever to make inquiry into points of religious doctrine. But I go further, and say I do not believe that it is fair to religion. This inspection of religious teaching in Church of England schools misleads. It does not secure the teaching of religion, but it induces religious men, and the ministers of the Church, and the Church in its organization, to relieve themselves, to some extent, of duties they would otherwise perform. I have heard that view stated in the strongest possible manner, and in a form much more clearly than I can do, by a high authority in the Church—by the Archdeacon of Berkshire, who probably has had more experience in connection with schools than most clergymen, and it has been impressed upon me over and over again by clergymen of the

Church of England. But if it be unfair to other persuasions — if it be scarcely fair to the Church herself, and no advantage, or a very mixed advantage, to religion, it is most inconvenient and costly, and, I may add, most injurious to the cause of education. It is most costly, for we have men going over the same ground continually; it is most inconvenient, because it prevents the Department from organizing inspection as it would wish to do; and it is most mischievous, because it tends to keep the schools divided one from another by denominational differences, and because it prevents the schoolmasters themselves from agreeing together as they otherwise would do. Therefore we propose that, after a limited period, one of the conditions of public elementary schools shall be that they shall admit any Inspector without any denominational provision. Although we think the time has come for that change, we would not for a moment cast any reproach on those who framed the system which we now find it necessary to change. It was found necessary by those who first took national education in hand to establish denominational inspection, and I cannot allude to that without alluding at the same time to a man to whom probably more than any other we owe national education in England—I mean Sir James Kaye Shuttleworth. Sir James Kaye Shuttleworth established those concordats with the different denominations, and he did so because he found it almost impossible to help it. I do not think he would disapprove the change we are now making; but I am sure that hereafter, in the history of national education, it will be admitted that its origin was mainly due to his exertions.

I come now to another condition upon which also up to this year there would have been much difference of opinion, but as to which I expect there will be very little at present, and that is that after a limited period we attach what is called a Conscience Clause as a condition to the receipt by any elementary school of public money. I do not think there needs much argument to prove the propriety of such a condition. It seems to me quite clear, if we approach the subject without any prejudice, that in taking money from the taxpayer to give his children secular education, we have no right to interferewith his feelings as a parent, or to oblige him to accept for his children religious education to which he objects. Therefore, in voting public money, or making public provision for elementary schools, we hold that they ought not to be schools from which the public would be excluded. The principle of that condition is so clear, and the violation of it has been found so mischievous, that I am glad to find the opposition to the proposed change has almost disappeared. In speaking of this opposition, I am not alluding to my right hon. Friend the Member for Droitwich (Sir John Pakington), who has long taken that view, and who on this question of education, as we must all acknowledge, has been always in advance of most of us on both sides of the House; but I am alluding to those who up to this year have strongly opposed the Conscience Clause. I find that in the National Education Union, which represents the views of an enormous majority of the clergy engaged in educational work, it is one of the conditions of membership that there should be a Conscience Clause for all schools. I have many accounts of meetings at which the same views have been advocated. I have received an account of a conference convened by the Bishop of Ely, at which many clergymen and laymen from the four counties embraced by his diocese attended, and I am informed that, after a discussion which lasted for several hours, a resolution was passed almost unanimously that for every grant, whether building or other grant, there should be a Conscience Clause as a condition, and that while, on the one hand, there should be perfect liberty of religious teaching, on the other hand there should be perfect liberty of withdrawal by every parent from such teaching. It is upon that principle that we have framed the clause, and, as it is so important, perhaps the House will allow me to read the exact words—

> "No scholar shall be required, as a condition of being admitted into or of attending or of enjoying all the benefits of the school, to attend or to abstain from attending any Sunday school, or any place of religious worship, or to learn any such catechism or religious formulary, or to be present at any such lesson or instruction or observance as may have been objected to on religious grounds by the parent of the scholar sending his objection in writing to the managers or principal teacher of the school or one of them."

That clause has been framed with great care. It is one of the provisions on which we may expect difference of opinion, and we put it before the House with a desire that it should be fully considered, but without any disposition to prejudge what the opinion of the House may be. Before leaving this question, I must say that though there has been exaggeration with respect to this matter, and though I believe the amount of practical evil is not large, yet I cannot deny that there is practical evil, for I found in my Department more of it than I expected. I have found but very few cases of undue interference when compared with the enormous number of schools; but I have heard of instances which I am sure would be regretted by hon. Members on the other side of the House as well as on this, in which clergymen, from mistaken zeal, have endeavoured to oblige the children coming to their schools to attend Sunday schools against the wish of their parents. I am quite sure that there has been enough of this to make absolutely necessary the provision we propose in the Bill. But it will be a Conscience Clause different from the present clause in one respect. Clergymen of the Church of England felt the present Conscience Clause to apply particularly to them, although I am sure it was not intended to do so. The proposed clause will apply to all schools, secular as well as denominational, and will give to the parent the power of withdrawing his child from instruction if, on religious grounds, he thinks that instruction to be such as the child ought not to hear. I know there are several hon. Friends of mine who have long studied this matter, and have come to the conclusion that a Conscience Clause, however stringent, would be of little use. I confess that is not the view that I have formed from my personal experience. In the first place, I do not know any case in which our present Conscience Clause has been applied in which it has not been found thoroughly effective; but our new clause will be different in this important respect, that whereas the old clause was applicable only in some cases to building grants, the new one will apply to all grants, and especially to all annual grants. It is perfectly clear in its operation, and I am quite sure that no manager of a school will risk the loss of the annual grant by violating its conditions.

Well, then, if these three regulations are accepted — an effectual Conscience Clause; undenominational inspection; and compliance with conditions securing secular efficiency—then no other regulations will be enforced, and, especially, the present restrictions against secular schools will be removed. On this point I will not dwell, as it is a foregone conclusion; it was in the Bill of the late Government, and I believe the general, if not the unanimous, feeling is in favour of it. There is, of course, no intention to interfere with schools which have received a past building grant, and which will not accept the Conscience Clause. They will not receive the annual grant; but no interference will be attempted with them on account of the building grant which they have already received.

After this digression, defining what we mean by public elementary schools, I must ask the House to go back with me to the school districts. In very many districts we have found that further provision is necessary. We have said that we must have provision for public elementary schools. The first question then is, by whom is it to be made? Now here for a time we shall test the voluntary zeal of the district. Not only do we not neglect voluntary help, but on condition of respecting the rights of parents and the rights of conscience, we welcome it. To see, then, whether voluntary help will be forthcoming we give a year. We think we ought to give enough of time to test the zeal and willingness of any volunteers who may be disposed to help; but we ought not to give longer time, because we cannot afford to wait. If that zeal, if that willingness, does not come forward to supply the schools that are required, then the children must no longer remain untaught, and the State must step in.

Now, then, we come at last to what will undoubtedly be looked upon as the most important part of the Bill—namely, the compulsory provision where it is wanted. I have said that there will be compulsory provision where it is wanted —if and where proved to be wanted, but not otherwise. We come now to the machinery for its application where it is proved to be wanted. How do we propose to apply it? By school Boards elected by the district. We have already got the district; we have found out the educational want existing in it—we see that the district must be supplied—we have waited in the hope that some persons would supply it; they have not done so. We, therefore, say that it must be supplied; but by whom? It would be possible for the Government to attempt to supply it by defraying the expenses from the taxes; and I believe that one or two hon. Gentlemen think that would be the best way. No doubt it would be possible for the Government to try to do this; but I believe it would be impossible for them to effect it. I believe it is not in the power of any central Department to undertake such a duty throughout the kingdom. Consider also the enormous power it would give the central administration. Well, then, if Government cannot do it itself by central action, we must still rely upon local agency. Voluntary local agency has failed, therefore our hope is to invoke the help of municipal organization. Therefore, where we have proved the educational need we supply it by local administration—that is, by means of rates aided by money voted by Parliament, expended under local management, with central inspection and control. I wish to be frank with the House, and I therefore say that undoubtedly this proposal will affect a large portion of the kingdom. I believe it will affect almost all the towns, and a great part of the country.

Well, now, as to the area of the district. As regards towns, I think there can be but little doubt. Almost everyone will jump to the conclusion that in boroughs we should take the municipal boundaries; but there may be a difference of opinion as to the rural districts. The Education Bills hitherto brought forward have taken the Union; we take the parish, with the power, of course, to unite parishes together. There are several reasons why we prefer the parish to the Union, though it is a very difficult matter to decide upon, and there is much to be said on both sides. In the first place, there is a vast difference between the condition of town and country with respect to education. Any Bill to be successful must be elastic, to meet that difference. Take the parish in the country, and we at once admit the possibility of that difference, and make the Bill elastic, being in this way able to treat town and country in a different manner. Again, in a country district, the principle of our Bill is better fitted to a small unit of area, because we do not intend to meddle with a district that can safely be left to itself. Another reason is, that many Unions throughout the kingdom are composed of a town surrounded by outlying country parishes. Well, if we had to take the town out of the Union it would be like taking the kernel out of the nut, and making our organization almost impossible. It would be necessary either to have a school Board to meet these conflicting, or at least entirely different, conditions, or you would be obliged to contend with the disadvantage of taking out the central and more populous district, and of trying to join together by themselves the outlying parishes. It is true, in the Bill which my right hon. Friend the Secretary of State for the Home Department (Mr. Bruce) and I myself introduced at the instance of the Manchester Committee, a different division was adopted—namely, the Union; but I find, in framing the Bill, the difficulties to be less in taking the parish, and there is another ground which, though not enough by itself, may yet be added to the other considerations in its favour—namely, that we do not want in this matter more than we can help to keep up pauper associations, but prefer to go back to the traditions of the old parochial schools. I cannot leave this point without just alluding to the reason why we have this difficulty at all, which is almost a disgrace to this country. We are behind almost every other civilized country, whether in America or on the Continent of Europe, in respect to rural municipal organization; and this drawback meets us not only in connection with education, but when many other social questions affecting the people come before us. The same difficulty applies to London. With respect to London, as I have already said, we have taken the best divisions we could find—the school districts as already established, which, I believe, are working well, and cover nearly the whole metropolis. Where these districts do not exist we take the boundaries of the vestries. In the case of the school districts of the metropolis we need have no provisions for election, because we have already school Boards elected by the different Boards of Guardians within these school districts.

But the next question that arises is—How are we to elect our school Boards in the provinces, and whom are they to elect? Now, first, who is to elect? Well, the electoral body we have chosen for the towns is the Town Council. I do not think there can be much dispute upon that point. In the country, we have taken the best body we could find—the Select Vestry where there is one, and a Vestry where there is no Select Vestry. Whom are they to elect? Here we have thought the most simple provision after all the best. We allow them to elect whom they think fit. We limit the number; it must not be less than three nor more than twelve. I know that this is a point upon which there will be considerable difference of opinion. I believe there are some hon. Gentlemen who view with jealousy the action of municipal bodies; but, if you make use of them at all, the wisest course is to treat them with fairness and confidence; and judging from the past, I think we may say those bodies have risen to the duties which they have to perform. I myself have known case after case in which a Town Council, or even a rural Vestry, has been a scene of squabbles until it had important duties intrusted to it, and then has risen to the level of those duties, even members who had not distinguished themselves before having shown qualities of the existence of which their neighbours were not previously aware, whilst those whose case was the reverse have been replaced by others. We might certainly add *ex officio* members to the school Boards; but we have come to the conclusion that no real strength would be given to a Board by putting *ex officio* members on it. We believe that the very men fit to be *ex officio* members would come in with greater influence, and almost with equal certainty, if subjected to popular election.

Another plan that has been much advocated is, that the Government should exercise a control over these Boards by placing on them their nominees. We have not taken that course. Not that we think there may not be school Boards—although I trust they will be very few—which may obstruct the action of this Bill, but that, when the Government puts its nominees on a Board it becomes, to some extent at least, responsible for the failures of that Board. The Government nominees may be in the minority; nevertheless there they are upon the Board, and the Government will scarcely be able to deal with the Board as well as if it did not contain its nominees. The powers we take may seem strong, but we believe they are absolutely necessary powers. Those who elect the school Board may elect whoever they please, whether they be or be not on the list of managers of existing schools. But, on the other hand, having left them to elect their own Board, and the Board once elected, we say to them—"The work must be done, and if not done by you, then we, the Government, take powers to step in and declare the school Board in default, to see that the children are not left untaught, to do the work that the Board ought to have done, and to hand it back again to the elected members of the district when they are willing to take it up."

Now I come to a very interesting part of the matter. The school Boards are to provide the education. Who are to pay for it? In the first place, shall we give up the school fees? I know that some earnest friends of education would do that. I at once say that the Government are not prepared to do it. If we did so the sacrifice would be enormous. The parents paid in school fees last year about £420,000. If this scheme works, as I have said we hope it will work, it will very soon cover the country, and that £420,000 per annum would have to be doubled, or even trebled. Nor would it stop there. This would apply to the elementary education chiefly of the working classes. The middle classes would step in—the best portion of the working classes would step in—and say—"There must be free education also for us, and that free education must not be confined to elementary schools." The illustration and example, so often quoted, of America would be quoted again, and we should be told that in the New England States education is free not only in the elementary schools, but free also up to the very highest education of the State. The cost would be such as really might well alarm my right hon. Friend the Chancellor of the Exchequer. I hope the country would be ready to incur that cost if necessary; but I think it would be not only unnecessary, but mischievous. Why should we relieve the parent from all payments for the education of his child? We come in and help the parents in all possible ways; but, generally speaking, the enormous majority of them are able, and will continue to be able, to pay these fees. Nevertheless, we do take two powers. We give the school Board power to establish special free schools under special circumstances, which chiefly apply to large towns, where, from the exceeding poverty of the district, or for other very special reasons, they prove to the satisfaction of the Government that such a school is needed, and ought to be established. We require the approval of the Government to be obtained, upon the ground that it would not be fair to the existing schools to allow a free school to be set up unless on very special grounds. On the other hand, it would not be fair to impose on the Town Council of large places like Liverpool or Manchester the duty of meeting the fearful educational destitution that exists by electing a school Board, and not to give them power, if they think it necessary, to establish special schools for special cases. We also empower the school Board to give free tickets to parents who they think really cannot afford to pay for the education of their children; and we take care that those free tickets shall have no stigma of pauperism attached to them. We do not give up the school fees, and indeed we keep to the present proportions—namely, of about one-third raised from the parents, one-third out of the public taxes, and one-third out of local funds. Where the local funds are not raised by voluntary subscriptions the rates will come into action. I know when I talk of rates that I am touching very delicate ground, and I do not for a moment dispute that the whole system and principle of rating is one of the questions which urgently demand the consideration of this House. I trust, however, that no reasonable Member present would wish to keep the children throughout England untaught until that question is solved. After all it is but a very small matter as regards the rate. An education rate would save the prison rate and the pauper rate. It would not be a special rate, but a charge on the poor rate. But should it exceed 3*d.* in the pound—and I do not believe it will amount to anything like that sum in the vast majority of cases—then there is a clause in the Bill which stipulates that there shall be a very considerable extra grant out of the Parliamentary Votes. I may add that there is power given to the school Boards to borrow money for building purposes on the security of the rates, to be repaid in thirty years.

I come next to the other powers we give to the school Boards. And, first, we give them the power of either providing schools themselves, or of assisting the present schools. Those Gentlemen who have followed this question will, I dare say, recollect that, in the Bill brought in by my right hon. Friend the Secretary of State for the Home Department and myself, this principle of assistance to the present schools occupied a much more prominent position than I am now assigning it. In fact, the principle of that Bill was a rate for assistance to the present schools; and the districts could not have the rate without being, as it were, compelled to assist the present schools on certain fair conditions. That Bill was the result of great thought, not so much on my right hon. Friend's part and on mine, although we bestowed considerable time and pains upon it, as on the part of the Manchester Committee, who devoted the utmost consideration to it. But I confess that, on further examination of the question, we do not think it right—as the House will perceive, from the provisions I have already explained—to insist on the school Board assisting the present schools. We give them, however, power to do so if they please. They have a certain educational destitution to supply. They may do it either by setting up their own public elementary schools, or by assisting the present public elementary schools, those schools—I need not remind the House—being efficient up to a certain standard of secular efficiency, and having the Conscience Clause as I have described. They may either provide schools themselves, or assist the present schools, or they may do both. But there is this condition, that if they do go on the principle of assisting, they must assist all schools on equal terms. They may not pick out one particular denomination and say—"We shall assist you, but not the others." If they go on the principle of assistance, they must assist every public elementary school.

I now come to the point, what position we place the school Boards in, as regards the schools which they themselves provide? The position we propose to put them in is this — we make them managers, and leave them in the same position as that of managers of voluntary schools. And here arises a very important question. I might have avoided it, but I should not be dealing fairly with the House if I did. The religious question is involved in this matter of the position of the school managers. Ought we to restrict the school Boards, in regard to religion, more than we do the managers of voluntary schools? We have come to the conclusion that we ought not. We restrict them, of course, to the extent of a most stringent Conscience Clause. But it may be said—"You ought to go further." I will take the different alternatives that have been suggested; but, before doing so, I must say that I can but think we are making difficulties that do not really exist. I do not want it to be supposed that I imagine there are no difficulties. There are difficulties to honest men; but these are difficulties of theory and of conscience to men as between one another, rather than difficulties in the actual education of the children.

Now, just look at the ages of the children with whom we have to deal. The great majority of them are probably under ten years of age; some are over that age and under twelve, and I fear but comparatively few are over twelve and under fourteen. We want a good secular teaching for these children, a good Christian training, and good schoolmasters. We want these schoolmasters certainly not to feel themselves fettered in any way; but children of these ages can hardly be supposed to require doctrinal or dogmatic teaching to any great extent. It may be said — "Why do you not then prescribe that there shall be no doctrinal teaching—why not, in the first place, prescribe that there shall be no religious teaching at all?" Why do we not prescribe that there shall be no religious teaching? Why, if we did so, out of the religious difficulty we should come to an irreligious difficulty. We want, while considering the rights and feelings of the minority, to do that which the majority of the parents in this country really wish; and we have no doubt whatever that an enormous majority of the parents of this country prefer that there should be a Christian training for their children—that they should be taught to read the Bible. If we are to prevent religious teaching altogether, we must say that the Bible shall not be used in schools at all. But would it not be a monstrous thing that the book which, after all, is the foundation of the religion we profess, should be the only book that was not allowed to be used in our schools? But then it may be said that we ought to have no dogmatic teaching. But how are we to prevent it? Are we to step in and say the Bible may be read, but may not be explained? Are we to pick out Bible lessons with the greatest care in order that nothing of a doctrinal character might be taught to the children? I do not mean to say it would not be better to attempt to do this rather than fail in the effort of meeting this matter. If the general opinion of the country was that we should try that labour, I would endeavour to encounter it; but I say that it is one of detailed supervision which does not belong to the central government, and in which the great probability is the central government would fail.

Again, it would not be for us to prescribe that the Bible must be taught, because there may be parents in some districts who, without any dislike to religion at all, might prefer a purely secular school with the religious teaching given elsewhere, and those parents ought to be allowed to do as they please. But we have met the difficulty in this way. We take note of one fact and we rely upon one principle. The fact is this—that, as the result of experience, this question is found to be a theoretical rather than a practical one. It has been found in the case of the voluntary managers that, however much they may talk about this difficulty in theory, in practice this difficulty has not proved to be so very serious. It has been found that clergymen who have resisted the Conscience Clause, as a provision of an Act of Parliament, have carried out such a clause in their own schools. What we say is—we impose upon the school Board practical work. We say—"It is your duty to be the practical managers, and to see that this education is given;" and we believe that immediately as regards the enormous majority of the children the theoretical religious difficulty will disappear. Then, again, the principle to which I have referred is this—the principle of popular election. The persons who are to constitute the school Board are the members of the Town Council or the members of the Vestry, and these bodies are elected by the people. We say the members of this Board are persons in whom the parents trust, because they are elected by the parents, and we do not doubt that the parents will take care to elect men that will not raise religious difficulties in the way of education.

I now come to another part of the subject — to that part to which I referred at the beginning of my remarks when I said that the country would expect that we should secure, if possible, the attendance of the children. This attendance question is a difficult question, but we must face it. To leave it alone is to leave the children untaught, and to force the taxpayers and ratepayers to pay for useless schools. I shall at once state what I expect may surprise the House. It is that, after much thought upon the matter, the Government has permitted me to put before the House the principle of direct compulsion. This may seem to be a startling principle; but, although I feel that I have already occupied the House much longer than I should have wished to do, it is a principle of the Bill which I feel I cannot quickly pass over. It has only been within the last few months that thought on the matter has brought me to the conclusion that the principle of direct compulsion ought to be adopted. I would ask the House to follow me while I explain how I have come to this conclusion, and how I believe many of those engaged in the work of education throughout the country have come to it; for no one can doubt that the principle of direct compulsion has latterly made extraordinary way; and that now both sets of educationists are in its favour, for there are as many champions of the old system as advocates of change that are favourable to it. I would first remind the House that we have already admitted the principle of compulsion; we have admitted it in the Short Time Acts. It is a mockery to say that it is new with us, or to use against it the argument that it is "un-English." When we say that, however necessary the labour of children may be to their parents, however impossible it may be for them to keep out of the workhouse without it, we shall not allow children to labour unless they go to school—that is compulsion. There are five different ways in which compulsion may be attempted. There is indirect compulsion by the Act which bears the Speaker's name. That Act might be extended, so that instead of a Board of Guardians having the power of sending children receiving relief to school, their being sent to school might be made a condition of relief. Then there might be an extension of the short-time system, which might be extended to agriculture, and made more efficient with respect to other trades. There is another plan which is not so much compulsion as temptation or inducement; it is that of giving educated children a certificate, by means of which they may be able to get work easier than those who have not one. Then there are two forms of direct compulsion. There is direct compulsion upon certain classes, as in the Industrial Schools Act, and direct compulsion upon all children under a certain age. These systems might all go on together. In some countries some at least of them do go on together. I believe that Short Time Acts and direct compulsion both exist in many of the German States; and if this Bill should pass I think one of the results would be that, without direct reference to the Speaker's Act its operation would be made more general. The school Boards might, and probably often would, make arrangements with the Guardians by means of which certain children might be sent to school. The details of this matter are, however, rather for the Poor Law Board; and in considering it the House will do well to consider also the recommendation of the Poor Relief Committee of 1864, which states that, after all, the business of the Poor Law Board and of the Guardians is to relieve destitution, and not to be the educators of the people.

Next, as to the short-time system. It may be revised. The Workshops Act and the Bleachfields Act may be made more stringent—the short-time system may be extended to agriculture—and we may, and should, take care that education be really given in the schools which short-time children attend—that these schools should be real schools and not sham schools. But we have decided not to include these measures in this Bill, as they fall rather within the province of the Home Office. I can only hope and trust that my right hon. Friend the Secretary of State for the Home Department will find time, if not this Session, at any rate next Session, before the school Boards are at work—for they cannot come into work this Session—to revise the Short Time Acts so as to enable them to assist the operation of this Act. But it may be said—Why not rely on this indirect compulsion? The fact is, we cannot rely on it entirely. My experience of it, like that of any other employer of labour, whose works are in a village separated from other schools, and where the arrangements for work and school can be made to fit one another, is that the short-time system acts to great advantage. But even in such a case, it does not, in all instances, effect all that is desirable, for we find that parents neglect the education of their children before sending them to school. But we also find that there is an idea springing up amongst both working men and employers, that if you apply the short-time system alone it is scarcely fair. When you rely solely upon that you may act hardly with regard to well-intentioned parents who wish their children to earn an honest living, and leave uninterfered with the idle children and the careless parents. Again, unless you apply it to every kind of employment the tendency is to cause the child to be shifted from one form of employment to another; while it would require a most skilfully organized army of Inspectors to apply it to every kind of employment. But this indirect compulsion will be made easier if we are not afraid to declare the principle upon which it is really based, and to embody this principle in an Act of Parliament — namely, that it is the duty of the parent to send his child to school. There is a point upon which, I confess, I have changed my opinion. I believe that last year I stated in this House that in America, although they had a compulsory provision, it was so rarely put in force as to be of no effect. Further study of the matter has convinced me that, while it is as seldom put in force in America as in the parts of Germany where a similar provision exists, yet it is acknowledged to have had a great effect, since it embodies a moral force which has made education more universal. And there is the important fact to be remembered—that in no country has education been really a success in which this principle has not at one time been acknowledged, and that remark applies to Scotland as well as to the New England States, and to Germany. So much for the principle. But hon. Members will ask—"Why do you put that provision in the present Act?" Of course, it will be impossible to apply the principle until we get the school Boards at work and the schools in existence. We cannot apply it to schools which do not exist, or which we do not acknowledge to be, and which have not proved themselves to be, efficient schools. The reason for the application of the principle now is this—We must deprive the school Boards of any excuse for not making full provision, and they would have that excuse if we did not give them power to see that the schools which they provided were attended. They would say—"What is the good of putting us to the expense of providing schools when you give us no power to fill them?" We must also have some consideration for those school Boards in large towns who have hard duties to perform. Take the town of Liverpool, to which I have already alluded. We must not impose these duties upon Liverpool, and leave the Boards with their hands tied. They will have to raise a large sum of money, and at great expenditure of energy and trouble will have to undertake to supply these schools, and therefore they may well say—"You ought to trust us with the power of seeing that these schools are filled." What we do in the Act is no more than this. We give power to the school Boards to frame bye-laws for the compulsory attendance of all children within their district from five to twelve. They must see that no parent is under a penalty—which is restricted to *5s.*—for not sending his child to school if he can show reasonable excuse; reasonable excuse being either education elsewhere, or sickness, or some unavoidable cause, or there not being a public elementary school within a mile. These bye-laws are not to come into operation unless they are approved by the Government, and unless they have been laid on the table of this and the other House of Parliament forty days, and have not been dissented from. Thus, with these checks, supplied by the necessary sanction of the Government, of this House, and of the public opinion of the district, every precaution is taken in the application of the principle.

There is one other power with regard to attendance. We put the school Board, wherever it is elected, in the place of the present body for managing Industrial Schools. In boroughs this body is the Town Council; but it will be more convenient that the school Board should have the power, and in one respect we give to the latter more power than the Town Council at present possesses. Under the existing law none of the local bodies can establish Industrial Schools, unless there is first of all some voluntary initiative in the case. We do not consider it necessary to apply that provision to the school Boards, as the action of the ratepayers and municipality may be considered as the voluntary initiative; and, therefore, we give power to the school Boards at once to establish Industrial Schools. I believe myself that the Industrial Schools Act might be considerably amended, and that power might be given to make it available for day scholars, as well as for boarders, so as to enable very poor children to get their dinners, together with their teaching, without the necessity of being also lodged. That is a question, however, to be considered by my right hon. Friend the Secretary of State for the Home Department either this or next Session.

There is only another provision to which I will allude. There are many small school endowments which were not touched by the Endowed Schools Bill of last year, because they were endowments of schools receiving assistance from Government. We give power to the governing bodies of these endowments to suggest schemes which, if approved by the Government, may come into operation.

I have now described the principal provisions of this Bill. Before I sit down I hope the House will allow me to say one word upon the spirit in which this measure is submitted by the Government to them. In measures of constructive legislation, it seems to me that the purpose—the end aimed at—matters much; and the precise method matters comparatively little. What is our purpose in this Bill? Briefly this, to bring elementary education within the reach of every English home, aye, and within the reach of those children who have no homes. This is what we aim at in this Bill; and this is what I believe this Bill will do. I believe it will do it eventually, and not only eventually, but speedily. To do it will require enormous labour on the part of the Government; but if the House passes this Bill with the approbation of the country, no Government will be able to refuse that labour. Now this purpose we cannot allow, with our assent, to be frustrated; unless this Bill provides a complete national system of education, our efforts in framing it, your time in considering it, will have been wasted. Again, there are many points which have to be taken into consideration. There are rights of parents; rights of minorities; rights of conscience, which must be respected; but, within these limits—the attainment of our purpose, the due regard to individuals, I hardly need say that in a measure of this kind the Government will receive with the greatest possible attention every suggestion from either side of the House. The Bill will be in the hands of Members, I hope, to-morrow; certainly on Saturday. They will find that the clauses have been prepared with care, and I think that they are consistent one with another; but we shall be ready to consider every Amendment with the most careful attention.

But I confess I am sanguine—hon. Members may think me too sanguine—that in its main provisions the Bill will become law. And I will very shortly give the reason why I am thus sanguine. We think that it will be supported by both those who wish to protect the present system of education and those who wish to change it. On the one hand, we acknowledge and make the utmost possible use of present educational efforts—of the efforts of the members and of those who sympathize with the views of the Educational Union; on the other hand, we assert in the strongest language that it is the duty of Government to take care that in every locality throughout the kingdom elementary education is provided by help of local agency, and that is the principle of the Educational League. I know there are many hon. Members, men who are as zealous in the cause of education as I am myself, who object to a rate because they dislike the interference of the ratepayers with their schools. To such men I say—"Do the work without a rate, and we will not interfere, but if you do not do the work the education of the children must not be neglected because you dislike a rate." Again, what is the principle relied upon by the hon. Member for Birmingham (Mr. Dixon) and the hon. Member for Sheffield (Mr. Mundella), to whom so much credit is due for stimulating educational zeal in the country? It is the education of the people's children by the people's officers, chosen in their local assemblies, controlled by the people's representatives in Parliament. That is the principle on which our Bill is based; it is the ultimate force which rests behind every clause.

But I am not going to repeat my arguments, I have already detained you too long, and have only one further remark to make before I sit down. I have said that this is a very serious question; I would further say that whatever we do in the matter should be done quickly. We must not delay. Upon the speedy provision of elementary education depends our industrial prosperity. It is of no use trying to give technical teaching to our artizans without elementary education; uneducated labourers—and many of our labourers are utterly uneducated—are, for the most part, unskilled labourers, and if we leave our work-folk any longer unskilled, notwithstanding their strong sinews and determined energy, they will become overmatched in the competition of the world. Upon this speedy provision depends also, I fully believe, the good, the safe working of our constitutional system. To its honour, Parliament has lately decided that England shall in future be governed by popular government. I am one of those who would not wait until the people were educated before I would trust them with political power. If we had thus waited we might have waited long for education; but now that we have given them political power we must not wait any longer to give them education. There are questions demanding answers, problems which must be solved, which ignorant constituencies are ill-fitted to solve. Upon this speedy provision of education depends also our national power. Civilized communities throughout the world are massing themselves together, each mass being measured by its force; and if we are to hold our position among men of our own race or among the nations of the world we must make up the smallness of our numbers by increasing the intellectual force of the individual.

But there are many men, I doubt not many Members of this House—and these not the least earnest to do their duty, or the least able to help their fellows—who are swayed not so much by these general considerations as by the condition of the individuals around them. Well, then, to these gentlemen let me say one word —I am not a fanatic in this matter of education, I know well that knowledge is not virtue — that no education, much less elementary education, gives power to resist temptation — is a safeguard against calamity; but we all know that want of education — that ignorance is weakness, and that weakness in this hard struggling world generally brings misfortune—often leads to vice. Let us then each of us think of our own homes, of the villages in which we have to live, of the towns in which it is our lot to be busy; and do we not know child after child — boys or girls — growing up to probable crime, to still more probable misery, because badly taught or utterly untaught? Dare we then take on ourselves the responsibility of allowing this ignorance and this weakness to continue one year longer than we can help? Not doubting that these considerations will weigh with the House as they have with the Government, I venture to submit this measure to the House, and therefore, Sir, I beg to move for leave to bring in a Bill to provide for public Elementary Education in England and Wales.

LORD ROBERT MONTAGU said, it was impossible at that time to criticize in detail such a complicated measure, introduced with a fairness and ability which all must admit. He rose to ask for explanations on certain points, and to make a few remarks on certain provisions which he did not think would be acceptable to the country. In the first place, the Vice President had said there was to be no more denominational inspection. He did not feel sure what he meant by that. Did he merely mean that the Inspectors were no longer to examine in religion? It was at present the rule that they should not examine in religion for the Government. It was true that they examined for the

Archbishop, and sent their reports to him; but there was no examination in religion on behalf of the Government. This had been fully explained to the House by the present Chancellor of the Exchequer, during the debates on the Revised Code. What then was the meaning of "denominational inspection?" In what did it consist? What was the essence of denominational inspection? It was the power of veto which every religious body had on the appointments of the Inspectors which were to inspect the schools connected severally with those religious bodies. This was the result of the great Management Clauses controversy which terminated in 1851. Each of the religious bodies—the Church of England, the Wesleyans, the Roman Catholics, the Jewish, and the British and Foreign Society—had their own fight with the Government; and, after they had carried it on many years, there was a treaty of peace with each religious body, and forms of trust deeds were agreed upon, which gave the religious bodies the right of veto which they now possessed. There was in each case a solemn concordat; a formal treaty of peace was entered into and signed by the State on the one hand, and by each religious body on the other. Each of these concordats had received additional sanction whenever a new school was built, for it was embodied in the trust deed. Did the right hon. Gentleman intend to abolish a contract so formally entered into, in order to get rid of the name "denominational inspection?" Had he asked the representatives of those religious bodies whether they would agree to the proposal? If he had not, then he not only broke faith with each religious body, and set at naught the pledged word of the State; but he also broke all those treaties of peace, 16,000 in number, and made enemies of all the school managers. He asked again, had the religious bodies agreed to give up their right of veto on the appointments of Inspectors? Had the right hon. Gentleman consulted the religious denominations, or those who represented them, in this matter? He wished to know whether or not the right of veto was to be taken away? The next point to which he would advert was the proposed admission of secular schools. It was true that the late Government had determined to admit secular schools to the receipt of grants. But how did they propose to do so? By drawing up a new form of trust deed, or new management clauses for them; for they said they would see whether the people of England liked secular schools or not. The late Government were confident that the people of England preferred religious schools to secular, and so they determined to put both kinds upon an equal footing, to start them fair in the race, and prove that secular schools would not succeed. It was well known that the British and Foreign Society's schools—and even they belonged to the denominations, and were by no means secular—had no hold on the country. The managers of these schools were religious men, the masters belonged to religious denominations, the Bible was read in these schools, but no Catechisms or formularies were taught. The result was that this Society had no hold on public opinion, and that the schools in which distinctive religious teaching was given were preferred by the people. From the year 1833 until the year 1861, but few of these schools had been built; the Commissioners affirmed that not 14 per cent of the schools under the Privy Council belonged to the British and Foreign Society. If these were not in favour, how much less favour would secular schools ever obtain? The right hon. Gentleman said that he proposed to admit secular schools; he therefore desired to put the question whether this was to be done by drawing up a new trust deed, as the late Government had proposed? If so, secular and denominational schools would be equally treated; if not, then the means of doing so should be carefully considered. Thirdly, the right hon. Gentleman had said that every civil parish—not ecclesiastical parish—was at once to become a school district. If this was merely for the purposes of the Census, it was well; but he must remind him that many of these parishes had no inhabitants at all, and very many more had not twenty inhabitants. He supposed, therefore, that the right hon. Gentleman did not intend to enact that every parish should have a school. [Mr. W. E. FORSTER said there was a provision for the union of parishes.] This answer disposed of the difficulty to which he referred. The right hon. Gentleman had said that if a parish was "well supplied" it should be left alone. But what did he mean by "well supplied?" Was it to remain with the Government of the day, by its arbitrary fiat, to say that a parish was not well supplied, and that a heavy rate must be imposed on it? Would all unaided schools be at once excluded from consideration? [Mr. W. E. FORSTER said he had stated that unaided schools were to be taken into account.] He was glad to hear that, in considering whether a parish was "well supplied" with schools, unaided schools were to be taken into account. For there were about 7,000 parishes now well supplied with unaided Church schools; while the schools of only 5,000 parishes received assistance from the State. Yet the former were excellent schools, inspected by the diocesan Inspectors, and contained as many scholars as all the Dissenting, the Scotch, and the British schools under the Privy Council. The right hon. Gentleman had alluded to dame schools. These were in most cases, at the time the Commissioners reported, inferior schools; and so the name acquired an opprobrium. But the case was very different now. In a parish of less than 100 inhabitants they could not have a large school, because the numbers were small, and the subscriptions were small. It was necessary, therefore, to have a cottage school, kept by some mistress, and under the immediate care of the clergyman of the Church of England. These schools were small in number, only 662, with 14,674 children, according to the National Society's Report. These were not bad schools, and were confined to parishes in which there could be no other schools. If these schools were to be admitted, as he supposed they would be if the education they gave was reasonably good, there would be very few places in which the present Bill would be operative. As the right hon. Gentleman had alluded, rather disparagingly, to some statistics which he had adduced last year, and which had not been controverted, he trusted he might be permitted to allude briefly to the statistics given by the Vice President. The right hon. Gentleman alluded to the case of Liverpool, where he said there were 80,000 children between the ages of five and thirteen. Of these he said that 20,000 were in no school; and 20,000 more went to inferior schools. The Commissioners thought that for the children of the working classes, six years of schooling would be sufficient. Now, as there are eight years between five and thirteen, if every one of those children were to attend school for six years, three-fourths of the number ought to be at school in each year; and, according to the showing of the right hon. Gentleman, there were three-fourths at school. In Liverpool precisely three-fourths of the children between the ages of five and thirteen were at school; so that according to the right hon. Gentleman's own showing the number that ought to be at school were at school; and the only fault to be found was that 20,000 were at bad schools.

MR. W. E. FORSTER: What I stated was that out of 80,000 children at Liverpool 20,000 were at no school at all, and 20,000 more were at schools where they were receiving no education worth having.

LORD ROBERT MONTAGU said, that that was precisely what he had said; every child which should be at school was at school, but one quarter were at bad schools, which perhaps might be improved. With regard to Manchester the same might be said; for the Vice-President had shown, that of 65,000 children between the ages of five and thirteen, only 16,000 were not at school in each year. He thought therefore that the right hon. Gentleman had failed to convince the House that there was any educational destitution either at Liverpool or at Manchester. He alluded also to certain statistics that he (Lord Robert Montagu) had produced last year; those figures were furnished by the office of the right hon. Gentleman, and there was no doubt in his own mind of their accuracy. He believed, moreover, that the Vice President had carefully considered them, and was not prepared to dispute them. He (Lord Robert Montagu) was anxious to show that he had not deceived or misled the House by inaccurate statistics; he might therefore mention that he had that day made calculations upon another basis, and that they showed nearly the same results. These figures were calculated for the year 1868. In order that every child should be at school for six years, there should be at school in each year 3,424,564; the scholars actually in aided schools were 1,527,665, which left to be accounted for 1,896,899. By the Report of the Schools Inquiry Commission, it appeared that there were of boys alone requiring secondary education 1·25 per cent of the population, or 255,000, which left 1,641,899, including girls of the upper and middle classes. From this should be deducted for children in reformatories, factories, workhouses, Birkbeck schools, &c., say, 100,000. There remained 1,541,899, including the aforesaid girls. Now in 1858 there were in unaided public schools 654,393. Had this number increased since 1858? If so, it was because there was vastly more education than at that time; for the aided public schools had also increased very rapidly. But if education had increased so much both in aided and unaided schools, what had become of the small deficiency reported in 1861? At all events, there were now in unaided Church schools alone, of a good stamp 571,890 (leaving only 116,503 for other public unaided schools). Private schools for the poor in 1858 contained 33 per cent of the population; but the number, according to the Commissioners, decreased 1·2 per annum. Even if the number in private schools were supposed to have remained the same, the result of these figures was, that it left for children not at school 313,970; but from this there must be subtracted something on account of the girls of the upper and middle classes. This bore out the result supplied by the figures furnished to him while in the Privy Council Office. The right hon. Gentleman said that the fault of the present system was that it only helped those who helped themselves. Well, that was the very essence of the present system, and was the object which the statesmen who originated it had in view. They had said that they would not resort to a forcing system, but would give assistance in proportion as education was appreciated and desired, while they at the same time applied a stimulus and a spur to the local desire for education. To this conclusion those great statesmen of former days, who were opposed to what is called "the paternal theory of Government," had necessarily arrived. He did not know whether the right hon. Gentleman had read the speech of Sir Robert Peel in 1839, in which he said that the object of the new system, as it was then, was not to cram education down the throats of the people, but to stimulate and help forward education. This system existed in full force until it received a check from the present Chancellor of the Exchequer when he brought in his Revised Code. He knew that the Revised Code had done a great deal of good in its way, but it certainly gave a check to the growth of schools, and to the increase in the number of scholars. The present Home Secretary had stated in that House in 1867 that—

> "The Revised Code had aggravated one of the evils most strongly urged against our system—namely, that it gave aid where it was least wanted, and withheld it where the need was sorest."—[3 *Hansard*, clxxxv. 1158.]

The right hon. Gentleman (Mr. Forster) ought, therefore, to complain of his colleague the Chancellor of the Exchequer and of the Government of Lord Palmerston, but for whom the number of schools would have increased more rapidly, and but for whom there would now have been no educational destitution. If the old system had been remedied with a less ruthless hand, and if the right hon. Gentleman opposite had not given way to the desire to decrease expenditure, there would not now have been any educational destitution. It was true that the grants for education were then very large, reaching to nearly £1,000,000 sterling a-year. But that was partly because education was spreading so rapidly. The object of the Revised Code was to decrease these enormous grants for education. The present Chancellor of the Exchequer at the time himself stated that his object was to decrease that expenditure; and a decrease of expenditure meant a decrease in the means of supplying education. The right hon. Gentleman in 1867—enamoured of the system to which he had given birth—had said—

> "You are not contented, although the work is done better and cheaper (under the Revised Code). You are not satisfied, but you must all begin tinkering and pulling to pieces the system which has produced such results."—[*Ibid.* 1162.]

Yet the Chancellor of the Exchequer had now given his assent to a Bill which tinkered the present system, and pulled it to pieces more than any other Government had pretended to do. There was another point. The Government proposed that in the country the Vestry or Select Vestry was to elect the managers of the schools, and in some cases were to be the managers themselves. These new managers were to impose a rate for the maintenance of the schools. In towns, however, the Town Council was to elect the managers. Now, were persons in the country so much more intelligent than those who lived in towns that there a Vestry should be competent to do that which required in towns a Town Council for its due performance? He should have thought that in the rural districts electors would have been fixed upon who were of the same class in life as those who were taken in the towns. Again, such a system was like the letting in of water. It was impossible to say where it would stop. If they placed the schools in the hands of the Vestries it would be found that there would be but one object pursued, that of grinding down the expense. Wherever the governing and taxing body was selected from a small area, the effect was a great restriction on the expenditure. Where the area was larger, local jealousies were neutralized, and larger views obtained. It was the case in regard to the poor, as the lamentable facts relating to the St. Pancras Guardians exemplified; and as to education the same result would follow. They would soon see the same result in England as had been brought about in Canada and in America; the system would be administered as cheaply as possible, and education would be greatly deteriorated. He must remind the right hon. Gentleman that if he once allowed a resort to a system of rates numbers of persons would seek to evade the duty, which they now considered to be binding upon them, that of supporting schools. There was at present great voluntary support to schools; it was a matter of charity; and the burden was very unequal, because it varied according to the charitable feeling of individuals. Even these persons, at times, were conscious of the burden and of its inequality; so that under this Bill many would resort to rates to save their subscriptions. As the right hon. Gentleman at the head of the Government remarked in the great Education Debates of April 11, 1856, such a system would put an end not only to voluntary subscriptions but also, as a consequence, to that interest in education which ought to be felt throughout the whole community. He now came to the last point in the proposed measure on which he would touch, he meant compulsory education. This would be found very hard and oppressive on the labourer. In towns, and also in the rural districts, there were a great many children who were sent to work in order to keep their parents out of the poor-house; a few shillings a-week, which a poor man received for the labour of his children, often proved just sufficient to keep him from destitution. A widow often depended upon the work of her boys. The sick and infirm had no one else to look to. But the Bill provided that wherever there was "reasonable excuse" the magistrates should not convict parents for not sending their children to school. Now, if there was once made a loophole for escape from the law, where would evasion stop? One case might occur which was quite sufficient to justify an acquittal. The next day there would be a case somewhat less hard; but the benevolent would think it hard enough, and would be supported by the previous decision. The tendency ever was to make a loop-hole gradually wider and wider, until at last it would be difficult to secure any conviction at all under the Act; and the compulsory system in England, like that of America, would fall so much into desuetude that its very existence would be forgotten. The right hon. Gentleman had alluded to the Factory Acts; but in the case of factories the time that was given to education was taken from labour. What he meant by this was that the supply of children for that particular labour was in this way decreased, and therefore wages increased and the poor did not lose. Moreover it could not press on those who depended on their children's earnings; as these parents merely sent them to other work, and so escaped the law. But it would be very different when compulsory education became universal. It would then reach all, and the poor would suffer. Moreover, how was the scheme of the right hon. Gentleman to be carried out? Who were to see that all the children attended school? Why, it would be necessary to have an "army of Inspectors"—to use the expression of the Vice President—as well as an army of police to see that the provisions of the Bill were properly carried out. Let them consider what an expense that alone would occasion to every locality. Lastly, he would ask, why were the Government driven to resort to these means? They proposed this elaborate scheme, because they had departed altogether from the principle of the present system; they gave up the voluntary principle, under which, after all, education was proceeding rapidly. There had been added year by year 980 new schools, and 136,000 children. Was not that a rapid increase? The right hon. Gentleman proposed to enforce the building of schools and to compel parents to send their children to them before persons had come to appreciate the education which was to be forced upon them. He departed altogether from the principles supported by the late Sir Robert Peel and Lord Melbourne, and resorted to a press-gang system instead. When educational destitution was so slight as it was at present, it would have been far better to foster the present system by removing all the deterring causes, by relaxing the onerous restrictions and requirements, and by giving more liberal grants. The success would then be much greater than they could reasonably hope for under this scheme of compulsion.

MR. DIXON expressed his gratitude to his right hon. Friend the Vice President of the Council (Mr. Forster) for the measure he proposed to introduce, and he congratulated the Government for their sanction to it. He felt persuaded that the country generally would support them in their endeavours to carry its provisions out. He believed that the promise given in the Speech from the Throne was now fully redeemed by the introduction of this Bill, and in supplementing it by giving compulsory power of attendance through the school Boards throughout the country. The school Boards formed the backbone of the Bill, and made it a measure which he felt assured would be acceptable to the country. There were, however, some provisions of the Bill which, in his opinion, deserved the serious consideration of the House, and which, he thought, should be modified. He did not look upon it, for instance, as wise that a whole year should be allowed to elapse before the school Boards caused the necessary schools to be erected. He hoped that that point would not be insisted upon by the Government. With regard to the religious difficulty, he entertained little doubt that the view which was gaining ground throughout the country, that no Conscience Clause could be devised which would prove satisfactory to a large portion of the population, was becoming too strong to be successfully resisted even by the most powerful Government. In all probability, therefore, it would be regarded as the great weakness of the Bill that the separation which it was desirable should be made between religious and secular instruction should be left to the decision of an innumerable number of Boards throughout the country, into whose election religious feeling must necessarily enter, instead of being directly effected by Parliament. He could not, under these circumstances, look with approval on the method by which his right hon. Friend proposed the religious difficulty should be met, although, in leaving to the various Boards the means of solving it, the way was paved for its ultimate removal. He was sorry it should be thought necessary to give merely permissive powers to the school Boards to enforce compulsory attendance. That House ought to decide whether it should not only be made compulsory on parents to send their children, but on the school Boards to enforce such attendance. He was not surprised to find the Government shrinking from the responsibility of abolishing entirely all school fees. But his faith in the principle of the Bill was great, and his confidence in its wisdom was so full that he had no doubt the time would soon arrive when the school Boards would be convinced of the utility of entirely abolishing those fees. As he understood, power would be given to the school Boards to solve this question. Although he did not think the way to this end was the wisest, and certainly would not be the shortest, he was nevertheless convinced that its solution would be ultimately reached. He would not say he regretted to find no clauses in the Bill providing for the establishment of a purely educational Department of the Government, because he hoped that the omission of such clauses merely meant that such clauses could not find a proper place in the Bill. He, however, hoped that before the Session was over a measure of that character would be introduced. The experience of even the last two months was sufficient to convince them of the absolute necessity of establishing the office of a Minister of Education, whose duty should be to attend exclusively to the working of the system. He felt quite sure that the people at large would be satisfied with the efforts of the Government, and he was still more certain that those efforts would be crowned with success.

MR. MUNDELLA said, he had heard with the most unqualified satisfaction the speech of his right hon. Friend the Vice President of the Council, which was one becoming the boldness and sagacity of his character. His right hon. Friend had that evening initiated a scheme which would ultimately be found to carry education home to every child in the country, although it might not be, logically and theoretically, all that could be desired had he had a *tabula rasâ* to work upon. But the Government had called into existence 20,000 or 30,000 schools, and no statesman could diminish their utility, or sweep them away. What was proposed was to supplement them. As an individual he was grateful to his right hon. Friend, and he thanked God he had lived to hear a speech from him introducing so admirable a scheme of education to the House. The school Boards were provided by the Bill, with the machinery necessary to secure the attendance of children at schools, and he could not bring himself to believe that they would neglect the duty which would devolve upon them in that respect, or that public opinion would neglect to enforce its performance. He should like to ask hon. Members what they meant when they talked about education. In Germany the term signified that the child had been at school from six to fourteen years of age; but some persons in this country seemed to imagine that it was sufficient for the child's name to have once appeared on the school books for its education to be completed. When the frightful ignorance prevailing among the lower classes was more generally known all scruples against compulsory education would vanish. He had never regarded the religious difficulty as being of any considerable magnitude, because he believed that the people of this country generally desired that their children should receive religious teaching, and in support of that proposition he might state that a very able man belonging to the working classes had told him that the religious difficulty had been made for and not by the lower classes. They desired that their children should be taught the principles of Christianity, the best proof of which was in the fact that 3,000,000 children belonging to the working classes were in attendance at Sunday schools. He did not desire to enter into the details of the measure now under discussion, but he regarded it as a step in the right direction, and calculated to secure at no distant date a general system of national education. Until such a system was adopted as would render the inhabitants of this country the best educated people in the world neither he nor those hon. Members who acted with him should be satisfied. He cordially agreed with the right hon. Gentleman as to the necessity that existed for the creation of a Minister of Education, under whose control all the schools throughout the country should be placed.

MR. MELLY, as one who had taken the deepest interest in the subject of education, offered his most hearty thanks to the right hon. Gentleman for introducing this great, wise, and courageous measure. Hon. Members might congratulate themselves on the circumstance that under the guidance of the right hon. Gentleman their labours on behalf of education were likely to terminate so successfully. It was a grim satisfaction to him that the statistics he had ventured to lay before that House last year, showing the educational destitution of Liverpool, should have been confirmed and acted upon by Her Majesty's officials, and that the plan he had then shadowed forth had been adopted in the present Bill. He wished, however, to ask the right hon. Gentleman these two questions—First, how the number of new schools necessary in large towns was to be arrived at; and, secondly, what portion of the cost of building these new schools would be contributed out of the Consolidated Fund? In the proposition which he laid before the House last year he had suggested that power should be given in large cities to compel uneducated children to attend free secular schools, and he observed that the right hon. Gentleman now proposed in his Bill that the municipal authorities of such large towns were to have power to elect a school Board, which were to have the power of erecting free schools, and if they pleased to direct that no religious education should be given which might be hostile to the feelings of the children whose attendance they compelled. He wished the Bill God speed as it went down into the country, as one of the noblest messages of peace and goodwill to all classes.

This was the greatest boon that had ever been offered by any Administration or the House to the people it was called on to govern.

Mr. WHEELHOUSE said, he should be much pleased if this or any other Bill could attain the object stated by the Vice President. He asked him carefully to consider, and especially in the case of large boroughs, how far it was likely the Councils would make the best school Boards. He considered that both in boroughs and in rural districts the Boards of Guardians would be found practically far better administrative Boards for educational purposes, and for this reason, that nearly every Board of Guardians in England had something to do, and for some time past had had to do, with education, and had already a staff trained for its purposes. At the same time he should prefer a school Board chosen independently, either of the Borough Council or the Board of Guardians; but if it were impossible to form such independent Boards, he would then select, in boroughs as well as in rural districts, the Boards of Guardians rather than the Municipal Councils, because not only the Boards of Guardians were more accustomed and more conversant with such work, but because—not meaning anything disrespectful to the individual members—he thought the Town Councils had quite enough to do in looking after duties strictly municipal, such as the police, paving and lighting of streets, and cognate occupations. In the Country the magistrates were *ex officio* guardians of their immediate districts, and it was extremely desirable that their interest in education and school teaching should be retained in carrying out the new system. In the borough of Leeds there were at least four Boards of Guardians and only one Town Council; and what he could not understand was that the Industrial Schools under the control of those Boards of Guardians should not be much better prepared and fitted to deal with the education of children in their several districts than would be the Town Council of the borough, to which body it was proposed by the Bill to commit the duty. One or two members of the Town Council of Leeds represented districts which were some six or seven miles apart, and which had no feeling whatever in common; and it often happened that Town Councils acted in opposition to the wishes of the inhabitants of the boroughs themselves. He was convinced that, on the whole, the work of education in boroughs would be better done by Boards of Guardians, unless they could form an independent school Board selected from the magistracy, the Town Councils, and from individuals who took a special interest in education.

Mr. COWPER-TEMPLE said, he would not attempt to discuss the details of the measure at present, but he was anxious to say how gratified he had been with the spirit in which the plan had been introduced. That spirit was one of tolerance and comprehensiveness. The right hon. Gentleman (Mr. Forster) had made a great stride towards meeting the difficulties of education in the country, and he had so advanced upon principles which had guided many excellent men during the last few years in their labours and sacrifices for the cause of education. Under the measure before them the Churchman, the Dissenter, and the Secularist could all work in union; those who believed that religious education was the only basis of morality, and those who believed religious teaching of less importance to mental culture, would under this system be able to carry out their views. But while commending the proposals to extend perfect freedom to managers of voluntary schools in matters of religion, he thought it would have been most wise if similar freedom were extended to those municipal bodies whose duty it would be to supply the deficiencies of voluntary communities, thus avoiding the necessity of laying down any precise rule upon the matter. If the Bill became law, as he believed it would, he believed it would be a lasting measure, because it would suit the different views and feelings of the various localities in which it would operate.

Viscount SANDON, although of course reserving to himself the right to question the policy of some of the details of the measure, was sure that both political parties in the constituency of Liverpool, which he represented, would cordially welcome the right hon. Gentleman's speech. He trusted some one having more authority to speak for the Conservative party than himself would do away with the impression, which might have arisen from a speech they had heard from their Benches to-night, that the Members of the Opposition were insensible to the great educational deficiency at present existing. He could assure the House that such was not the case. For his part,—and many others around him felt as strongly as he did,—he was deeply conscious both of the educational necessities of the country, and of the need of prompt action in the matter. Whether the figures as to the educational condition of Liverpool, which had been quoted by the right hon. Gentleman were quite correct he was not prepared to say; he was inclined to think they were exaggerated, and the right hon. Gentleman would rejoice with him if it could be proved the figures quoted were exaggerated. During the present winter he had availed himself of an opportunity, which had been afforded him through the action of the Bishop of London's Fund, of inquiring into the educational condition of the people, not only in connection with the work of the Established Church, but also that of the other religious bodies in the metropolis; and he owned he had been surprised to find how much greater was the need for school accommodation than he had previously been led to suppose; the need was indeed pressing and grievous; out of the 400 Church of England parishes or thereabouts in the metropolis, from almost all of which full and careful Returns had at the end of the year been received by the Committee of the Bishop's Fund, seventy at least had urgently appealed, by means of their incumbents, to the Bishop's Fund for additional schools. Before sitting down he would throw out one suggestion to the right hon. Gentleman, which he believed to be of the utmost importance as regards the increase of schools in towns—namely, that power should be taken in the Bill for the compulsory acquisition of school sites in towns, for he did not see why it should not be acknowledged that if railways and other works of public utility should be granted compulsory powers for the acquisition of land in large towns, the most valuable improvements of all should not have the like advantage. He complimented the right hon. Gentleman on the spirit of conciliation towards all parties in which the measure had been framed; he rejoiced in his encouragement of local effort, and the anti-centralizing tendencies of his Bill, and judged from his speech that he felt as deeply as anyone in the House the importance of Christian education.

MR. FAWCETT said, he was disappointed to find that the compulsion was to be optional or permissive. The question of compulsion involved a great principle, and it appeared to him that the Government could not compel every parent to educate his child if an optional and permissive character were given to this part of the measure. Inasmuch as a great principle of policy and legislation was concerned in this matter, he held that the House must decide for the whole country whether the compulsion should be optional or permissive. If the State stepped before the parent to defend the child who had been wronged by the lack of education—if the State exercised that power in Birmingham, which would be perfectly right, it must do the same thing in behalf of a child residing in Manchester or in Liverpool. Until the objection were removed it would not be correct to describe the Bill of the right hon. Gentleman as a complete measure of national education. It was not enough to say that education was provided for all the children in the country; education had been offered through the noble effort of voluntaryism, but hundreds of thousands of children, restrained by the indifference, the selfishness, or avarice of their parents, had not accepted it. To provide, then, was not enough. Parliament should guarantee to every child an education. It seemed strange and even anomalous that Town Councils should be compelled to provide schools, and yet that children should be left by Parliament free to stay away from them. He must say that the right hon. Gentleman had developed gradually in respect of this question of compulsion. He recollected that the right hon. Gentleman's first Bill was for voluntary rating, then followed another Bill for compulsory rating, and now the right hon. Gentleman expressed himself in favour of direct compulsion, though only in an optional and permissive form. He felt persuaded that the people of England would not be satisfied until there was a law to guarantee an education to every child in the land. He hoped his right hon. Friend (Mr. W. E. Forster) would accept these remarks in the spirit in which they were made, for no one could feel more grateful to him than he did for the measure which he had introduced in such an admirable speech.

Sir JOHN PAKINGTON: I do not rise with any intention to offer any comments with regard to a Bill of this immense magnitude and importance. We should have the Bill before us before we attempt to pass a judgment on its contents. But I cannot refrain from offering a few remarks; and, in fact, the object of my rising was to state that I never listened to a speech with more heartfelt satisfaction than to the speech of the right hon. Gentleman in introducing this measure. I have worked for many years for the accomplishment of this object, and which I should rejoice to see settled under the auspices of my right hon. Friend. And I am here to speak the sentiment of many friends near me on this side of the House when I say that I have listened to the speech of the right hon. Gentleman with the greatest satisfaction. I do not, however, pledge myself to any particular course; but what I say is, that the right hon. Gentleman's speech, as a speech, did him great credit. As a speech it required no apology, as the plan it unfolded is a great and comprehensive one. Indeed, were it not great and comprehensive it would not be suitable to the occasion on which it is brought forward; and I think we are greatly indebted to the right hon. Gentleman for the fair and conciliatory spirit which pervaded his statement. There are, however, one or two remarks which I am desirous to make, and, in the first place, I will venture to express my regret with respect to what I confess I regard as a very serious omission from the Bill. I am extremely sorry that Her Majesty's Government have not thought it their duty to combine with this proposal of a great educational measure for the whole of the country that which seems to me to be almost required together with it — namely, a more satisfactory organization of the Education Department. I will not now enter into that question in detail; but I confess I was much surprised when I heard my right hon. Friend use the words—"If I am permitted by the Government to state so-and-so." At the end of his speech the right hon. Gentleman alluded most justly to the great labour which would be undertaken by the Education Department in carrying out the complicated provisions of this Bill. Now, I have thought for a long time past that the Department which is intrusted with the conduct of the education of this country ought to be a Department the constitution of which we could understand. I do not think any man understands the constitution of the present Department. I would not say a word of disrespect to Earl De Grey, and I have no doubt that he is, like most of us in these enlightened days, a good friend of education. Indeed, I have good reason to believe that he is so; but what do we know of Earl De Grey as head of the Department? I am perfectly convinced — and we have had ample proof of it to-night—that few men are more competent on this subject than my right hon, Friend opposite, and is he the Education Minister? No, he is not. What do the schoolmasters all over the country receive from day to day? Letters in the name of "My Lords," but who "My Lords" are, and who inspires that which comes in the name of "My Lords," they have no idea. I held this opinion before, and I am confirmed in it by the speech of the right hon. Gentleman, and after the description of the plan which he developed to-night the country ought to require from Her Majesty's Government that the Education Department should be a distinct Department of the State, with a responsible Minister at its head. I think every one will agree with me when I say that my only regret with respect to my right hon. Friend's speech is that he did not make it as the responsible Minister of Public Instruction. [*Ministerial cheers.*] I am glad to hear the cheers with which my remarks are received on the other side of the House, and I may, perhaps, be allowed to add that at the recent conference, impartially and fairly conducted, which met at the Society of Arts to consider the subject of education; one of the resolutions moved referred to the necessity of having a responsible and properly-constituted Education Department, and all parties present at the conference cordially agreed in that opinion. With respect to the Bill before us, I think it would be premature to enter to-night into any elaborate criticism of it. I would only say that, as a whole, I am thankful for the measure. It is evidently intended to meet the requirements and wishes of the country, and I heartily congratulate my right hon. Friend on having been the organ, in whatever capacity, of introducing this Bill to the notice of the House of Commons. The right hon. Gentleman began his speech by referring to what nobody will dispute—namely, the necessity of education; and he remarked with great truth that the public would have been disappointed if the present Government, with the power and the strength which they possess in this House, had not introduced it. I have always said that this question would never be settled but by a strong Government, and now that there is a strong Government, we should have had a right to complain if they had neglected to undertake the settlement of this great question. My right hon. Friend then used an expression which leads me to make a remark on a point which I hope the House and the country will bear in mind. My right hon. Friend spoke of imperfect education. Now, I believe that expression exactly describes the great requirement of the country. It is not so much that we want new schools. We do, indeed, urgently want new schools in some places, but chiefly in crowded districts, and compared with the number of existing schools the number of new ones required is unimportant. The two chief defects of the present system are the imperfect education our schools give, and the short period of time for which children are allowed to be educated and trained, even in the best schools of the kingdom. I, therefore, do hope that this country will bear in mind that one of the greatest evils that we have to meet is the defects of our system of education. I will now touch for a moment on a part of my right hon. Friend's speech which I confess I heard with doubt, though I beg to be understood as not expressing an adverse opinion, because it is desirable that we should impartially and maturely consider the provisions of the Bill. I was, however, much surprised when the right hon. Gentleman stated the decision at which he said, after much deliberation, he had arrived, that the best area for the conduct of this new system will be the parish. I will not give a positive opinion until I have seen the Bill and ascertained how the Government propose to carry it out; but it seems to me that there is some inconsistency in giving the Town Council the power of electing the Board of Education in the borough and giving it the parish in the rural district. In a large borough there will be a very large number of parishes, and there would be a very popularly elected Education Board; but in the case of a parish in rural districts there are many cases in which, in order to obtain a well-conducted school, we have been obliged to join three or four parishes together. I cannot understand, however, what machinery my right hon. Friend proposes for combining parishes. There certainly ought to be administrative power somewhere to combine small parishes, where the geographical arrangement allows of it, in order that one school may be established for those parishes. I understood my right hon. Friend to say that, in arranging the rural districts, his object was that no child should have to go more than one mile to school.

MR. W. E. FORSTER: What I said was that if a child lived more than a mile from the school the fact would be deemed a reasonable excuse against compulsion being resorted to.

SIR JOHN PAKINGTON: I beg the right hon. Gentleman's pardon. I see I did not exactly follow him in his remarks. I think, however, that a mile is too small a limit. I know a case where four parishes are thrown together to maintain a school, and in several instances the children in the more remote parts of the district have to go upwards of two miles to school, and I never heard of the slightest complaint on the subject at any season of the year. This is a point which I trust my right hon. Friend will reconsider. We should proceed according to common sense, and it is certainly impossible to justify the proceeding, which we have seen in recent years, of sending out Inspectors of different denominations, one to visit one class of schools and another to visit another. Another point for which I have long contended, though in a miserable minority, I am very glad to find is also included in the scope of the Bill, and that is that whenever public money is granted then a Conscience Clause should be in existence. I trust that whatever may be the area of the educational districts, whether in large towns or in small parishes, and whatever may be the constitution of the local Boards, the right hon. Gentleman will preserve a distinct, clear, and overruling power in the hands of the Educational Department, following in that respect the analogy to the Poor Law system, in which the central authority has power to see that the local Boards do not neglect their duty. Upon the subject of school fees I go entirely with the right hon. Gentleman. I ought, perhaps, to confess frankly that in a Bill which I introduced in 1855, in many respects not dissimilar from that which has been proposed to-night, different proposals as to these fees were made. But, on more prolonged reflection, and looking upon it partly as a question of policy, it would, I think, be folly to throw away the half million of money which the pence of the school children produce, while, as a question of morality, it is unquestionably desirable that the parents should be first to make a contribution towards the education of their children. The part of the Bill which is among the most important is that relating to compulsion. I confess that I was startled when my right hon. Friend announced that he had determined to resort to direct compulsion; and, without at all condemning the decision at which he has arrived, I wish to reserve my opinion upon that point. I have, at the same time, quite made up my mind, after much reflection, that compulsion must be resorted to. I have arrived at that conclusion with reluctance; but I do not believe that without compulsion we can have anything like a satisfactory national system that will bring, as it ought to do, education to the door of every citizen of this country, however humble. Whether that compulsion should be direct or indirect is, however, a grave and serious question. But no one could have listened to the frank, honest, and full statement of my right hon. Friend to-night without feeling that he had arrived at the decision which he announced only after full and careful consideration. I believe that a great deal will depend upon the way in which the different portions of the Bill, especially those relating to compulsion, are proposed to be carried out. A right hon. Friend, who was sitting beside me at the time, suggested to my right hon. Friend, that he had not stated—supposing the compulsion to be direct—for how long a period of the year the children were to be obliged to attend school. I am speaking only from my first impression; but I do not think that the reply of my right hon. Friend was quite satisfactory. If I rightly followed his answer, he said that this most important question of the extent of the compulsion, the period during which the children are to be compulsorily withdrawn from work and sent to school, was to be decided by the bye-laws of each Board. My first impression was that it is not a wise decision. I entreat my right hon. Friend to bear in mind that the introduction of direct compulsion is a great and serious change in the law and practice of this country. You cannot withdraw children from labour, whether for a long or short time, without involving loss to that extent upon the parent. I think it would be prudent on the part of the right hon. Gentleman to qualify this enactment of compulsory education, which is wholly new to this country, by letting it be distinctly understood what it is really to amount to. If the extent to which children are to be withdrawn from labour and sent to school is to be a matter left for settlement by law in every parish and in every Town Council, the whole thing will be left in a state of great uncertainty, and you will necessarily create a great deal of alarm. For the sake of your own Bill, I advise you not to leave in doubt your proposals and intentions on the subject of compulsion; and that parents and children should know what residuum of time, after their period of education is completed, is to be left to them for their usual occupations. Another question is this—that I understand my right hon. Friend proposes to establish Education Boards in every district.

Mr. W. E. FORSTER: Allow me to explain. For the purposes of the Bill, all England will be divided into school districts; but school Boards will not be appointed unless the educational need of the district is proved.

Sir JOHN PAKINGTON: I am extremely glad to hear the explanation of my right hon. Friend, which removes all my apprehensions. I reserve the discussion of any other points until the Bill is before us. I repeat the extreme satisfaction with which I have heard the statement of my right hon. Friend, and my earnest hope is that by the wisdom of Parliament the measure may be carried to a satisfactory conclusion, and will give us that which my right hon. Friend, in earnest, eloquent, and impressive language, enforced upon us at the close of his speech—namely, that real system of national education which is so essential to the prosperity and domestic happiness of the country.

Mr. HIBBERT said, he thought there

was great advantage in using the parish as the unit and nucleus of the system. There were numbers of parishes throughout the country in which good school accommodation was provided, and everything was carried on in the most satisfactory manner. If the area were enlarged in the manner which the right hon. Baronet proposed, other parishes, in which, possibly, schools had not been provided would be added on to the parish already well supplied, and the good parish would be called upon to contribute to the deficiencies of the bad. He was much pleased to hear that his right hon. Friend and the Government had come to the conclusion that the system of compulsory attendance must be brought into operation; but he regretted that the system, apparently, was not to be one of general application. The question of whether there was to be compulsory attendance or not, and the extent to which this attendance was to be carried, was apparently left to the district Boards. But suppose one district Board passed a bye-law in favour of compulsory attendance, while the parish just outside refused to pass such a bye-law. What would be the feelings of labouring men within the district where compulsion was enforced, when the children of others labouring at a little distance were not brought under any similar regulations? He hoped when his right hon. Friend came to mature his scheme he would legislate not only with respect to compulsory attendance for the whole country, but also lay down in definite language the number of attendances each child must have in the year, for it would be most unfortunate if Boards in one district fixed one number of attendances as necessary and other Boards another number. He did not quite understand the explanation which the right hon. Gentleman gave as to whether the system of compulsion would be brought into operation in those parishes where there was sufficient and satisfactory school accommodation. As far as he understood, it was only to be brought into operation where school Boards were appointed. If such were the case he thought that the Government would do better to swallow the whole pill, for if compulsory education were good for one part of the country it would be good for another. From his experience of the working classes, he must say he had found them, almost to a man, in favour of the system of compulsory attendance. There was only a very small proportion of the labouring class on whom it would ever be necessary to enforce it. With respect to the attendance of a child at a distant school whether the distance should be one mile and a half or two miles, would, probably be settled in Committee; but the distance of one mile was certainly too small, for many children paying their own fees attended school voluntarily at much greater distances. He should like to see the school Boards composed of men not elected for the purpose of representing the Church or the Dissenters, but paying attention to the education of the children of the district rather than for the benefit of their particular denomination. This would lead to a much more satisfactory working of these district Boards, as otherwise we should have sectarian strife as in the days of Church rates. He should also be glad if schools in a small rural district, with the number of scholars—say under 100—which could not be carried on by the amount of aid received from Government without very large contributions from those residing in the locality, could get grants at a higher rate than schools in towns with 400 or 500 scholars. With these views he certainly gave his congratulations most heartily to the right hon. Gentleman, and wished him every success in passing the Bill through the House.

MR. WALTER said, that having had the pleasure on one or two occasions of working with his right hon. Friend the Vice President on educational questions, he felt it his duty not to lose this opportunity of tendering to him his hearty congratulations on the able and effective manner in which he had introduced this great question. And he particularly congratulated his right hon. Friend upon the occasion he had chosen for the introduction of the subject, because for some months past the country had been rather distracted, he must say, by the existence of two Leagues, holding somewhat opposite opinions on the subject, and though, as Shakespeare told us—

> "'Tis dangerous
> To come between the fell incensed points
> Of mighty opposites;"

yet his right hon. Friend had not shrunk from the danger, but encountered it manfully; and though he disclaimed the idea of his measure being a compromise between the two contending parties, yet, he must say, his right hon. Friend had managed with great skill to bestow on each of them such a modicum of their favourite theories as must tend, he thought, to render his Bill extremely acceptable to both. He had secured to the National Union the advantage of non-interference with the religious character of their schools, and, on the other hand, he had administered a slight dose, but still a dose, of compulsory education to the friends of the League. There were one or two points to which he wished to advert, which, in common with his right hon. Friend the Member for Droitwich (Sir John Pakington) and other hon. Members, struck him as requiring the attention of the right hon. Gentleman. He thought, in the first place, it would be well for him to bear in mind the remarks offered to him by his right hon. Friend the Member for Droitwich with regard to the improved organization of the Education Board itself. Like many other Members, he had sometimes had the honour of being in communication with "My Lords." Last week he received a letter from "My Lords" and replied to it, and he was quite sure that the exalted persons in question had not the slightest idea of the subject on which they corresponded. He even believed that important body was not free from blame in regard to the difficulties and obstructions hitherto interposed in the way of education. He could mention a remarkable case which had occurred to himself. About three years ago he found a school necessary for a district with which he was connected and he applied to the Board for a building grant. The Board sent down one of their Inspectors, who reported that no school was necessary, and the application was refused. He, however, thought that he knew the circumstances of the locality to which he referred rather better, and consequently he built the school himself; but, having done so, he was determined that the Board should contribute something in the way of annual assistance to the school. The result was that the school, which had been declared unnecessary, and to the building of which the Board refused to contribute 6*d*., contained 200 scholars, and was at this moment in receipt of an annual grant of £70. There was great force in what his right hon. Friend the Member for Droitwich said with regard to the parochial question. No doubt our parishes were time-honoured, most interesting, and important divisions, but they were about the most anomalous and irrational divisions in the country; and he agreed with his right hon. Friend that some machinery ought to be provided in this Bill for the amalgamation of parishes where they were too small to maintain a separate school. It should also be observed that the civil and ecclesiastical boundaries of parishes were not always conterminous, and unless care was taken some difficulty would arise in working that part of the scheme. Very often an ecclesiastical district was formed by portions being taken out of several parishes, and these ecclesiastical districts generally had schools attached to them; it would be necessary, therefore, in dealing with that question, to bear in mind this distinction, otherwise injustice might be done to ecclesiastical districts which were composed of separate parishes. He also thought some objection might be taken to the election of educational Boards by Vestries. He was by no means sure that the Vestry in a country parish was a good body to elect such Boards; he would rather venture to suggest, although he did so without having much considered the question, that jurymen would be a more fit body; certainly they would form a more popular body than vestrymen to elect an educational Board. With regard to the compulsory part of the scheme, he must say it struck him his right hon. Friend had shown very great ingenuity in the manner of introducing it; for, although the principle of compulsion was introduced in the Bill, it was guarded in such a manner as to be practically optional, and he hoped that occasion would not arise for its being frequently enforced. He was one of those who were opposed on principle to direct compulsion. He thought the loss of self-respect involved in the notion that parents were so insensible to their duties to their children as to require the aid of the Legislature to compel them to discharge those duties would be greater than any gain to be derived by the limited number of persons to whom such compulsion would be applied. He did not, however, object to such a power being kept in reserve, nor did he object to any amount of indirect compulsion, such as an enactment that no child should be employed in labour until he had passed an examination in reading, writing, and arithmetic. It was, however, a very serious matter to apply the system of direct compulsion to the whole of the population, and the attempt to do so would raise a more difficult question than those Gentlemen who were in favour of compulsory education appeared to have any notion of. Having made these few remarks he would conclude by expressing his satisfaction at the prospect of seeing this question at length settled once for all.

MR. W. E. FORSTER said, he did not rise to check the discussion, which was very interesting, and helpful to him and to the Government. But he was afraid it was more helpful to him than to the House, because it was throughout founded on his exposition of the Bill, and though he had endeavoured to make that exposition as full as possible, he could not be sure that when hon. Members came to have the Bill itself in their hands, they would not see cause to modify some of their conclusions. He was very much obliged for the friendly way in which his measure had been received; but that was no more than he expected, for he was sure that both sides of the House were equally determined that a good measure of education should now be passed. There were one or two observations that had been made in the course of the discussion to which he would refer. His right hon. Friend (Sir John Pakington) had expressed his doubts as to the propriety of taking the parish as a unit. He would only say that he would be obliged if his right hon. Friend could point out a more convenient unit. But in the Bill there were many clauses giving power to combine parishes. There were clauses for what were called "united parishes" and "contributory parishes."

SIR JOHN PAKINGTON: Where is the power to unite them lodged?

MR. W. E. FORSTER: It rests with the Education Department of the Government. On the educational need of any district being discovered, it will rest with the Government to form such school district as is suitable for the locality. Then the hon. Member for Leeds (Mr. Wheelhouse) suggested that it would be better that the election of the school Boards should be vested in the Boards of Guardians rather than in the Town Councils. But there was this objection to the Boards of Guardians, that they were not chosen from a perfectly equal body of electors. They were about to give great power to the school Boards. It was the only principle in the Scotch Bill of last year that was never objected to in that House—that the school Board should be left to meet the religious difficulty in the best way it could; and they still thought it right so to leave it, guarding of course the rights of minorities. But then that must be left in the hands of a Board which was elected by the parents themselves, voting on a footing of perfect equality, where the rich and the poor met together. Then the hon. Member for Stoke (Mr. Melly) asked how it was proposed to ascertain the amount of educational destitution in large towns. There were clauses in the Bill which provided for that. Officers were appointed whose business it would be to furnish the information, and though it might perhaps involve greater labour, it need not take a longer time than in the rural districts. The hon. Member also asked if larger grants would be given for the building of schools in large towns. Now he might say that the Bill did not interfere with the present arrangement of Parliamentary grants; but if this Bill became law, then the whole subject of Parliamentary grants must come under revision. He did not know that there was any other point on which he need address them.

LORD ROBERT MONTAGU said, he hoped the right hon. Gentleman would explain how he proposed to alter the present system of inspection without breaking the contracts with the religious bodies?

MR. W. E. FORSTER said, he thought the noble Lord was in error on that point. He understood his noble Friend to say that the Inspectors in Church of England schools were not responsible to the Government for examination in religious instruction.

LORD ROBERT MONTAGU did not say that. What he said was, that the Inspectors did not interfere with the religious teaching, and did not examine in religion for the Government but for the Archbishop. But the point concerning which he now asked, was whether the right of veto on the appointment of Inspectors was to be taken away?

MR. W. E. FORSTER said, he thought that could hardly be a correct explanation of the case, for his noble Friend must know that in the Revised Code the Inspectors were instructed to find out whether the religious instruction was satisfactory, and to recommend a diminution of the grant if it was not. That looked as if the Inspectors were responsible to the Government. But he would frankly state to the House that he considered that Parliament had a perfect right to alter the conditions of the grant, and to say that for the future it should not be given except upon certain express conditions.

Lord ROBERT MONTAGU asked if the religious bodies had consented to let their contracts with the State be broken?

Mr. W. E. FORSTER said, they did not consider themselves bound to ask the religious bodies, and they had not done so. But he knew that there were many hard-working clergymen of the Church of England, of all schools of thought, who on the whole supported the new plan. There was one other remark of the noble Lord's he would notice. The noble Lord asked whether he would consider all the elementary schools in the country as making a part in national education. He had already said that he was prepared so to consider them if they would allow the visits of Inspectors; if not, they would take no account of them whatever. He had only one other remark to make, and that was upon the subject of compulsory education. He was quite aware the friends of compulsion would hold that the measure lacked completeness, because it was not extended over the whole kingdom. But his hon. Friend must bear this in mind, that the principle was new. He believed it would be a surprise to the country to-morrow when they found this principle of compulsion in the Bill. Now they would not advance those principles if they attempted to go one foot beyond where public opinion was prepared to follow. And public opinion was not to be gathered at public meetings, where people voted for what would not apply to themselves — they must consider those to whom it might apply, and who might find indirect means of thwarting it. Then it might be said why have it at all? For two reasons; to take away from a district an excuse for not making provision, and to prevent a willing district from providing means which were not made use of. He had now only to repeat his gratitude for the manner in which the measure had been received by the House. He could assure hon. Gentlemen that he would bear their various observations in mind. His intention was to take the second reading of the Bill upon the 14th of March. If the House assented to the second reading there was no intention to commit the Bill before Easter.

Sir STAFFORD NORTHCOTE: I entirely recognize the force of what has been said as to its not being desirable to discuss the details of the measure until we have the Bill before us. It must, however, be some time before it can be fully discussed, and in the meantime it will go to the country, and points in it will probably be better understood from explanations given in this House than from a perusal of the text. I think it is really important that an answer should be given to a question put by the hon. Member for Oldham (Mr. Hibbert) with reference to the point touched upon by the right hon. Baronet the Member for Droitwich (Sir John Pakington) which was not clearly understood. We understand that this is an attempt to engraft upon the present system an enlarged system, and I think it is an admirable line for the Bill to take; but the attempt is one which will involve the Government in considerable difficulties of detail. One of these difficulties arises in this way. The Government proposes to leave those districts in which education appears to be satisfactory as they are, and we have had it explained that in those districts there shall be no school Boards constituted. We are told that the school Board is to have the power of compelling the attendance of children; that would apply, of course, to those districts in which it is found by Inspectors that the present state of things is not satisfactory, and in which school Boards are formed on the representative principle. Then you have the case of a district in which you find there is ample provision made at present for its wants —that there are a good school and good teachers, that the education is of a proper character, and that, speaking generally, the school is well attended. I want to know, and the hon. Member for Oldham put the question—Will the managers of that school have the power of calling upon the children to attend, and compelling them to attend?

Mr. W. E. FORSTER: I beg pardon for not having answered the question, but I thought I had done so by implication. We give the power of compulsion only to school Boards, and in the case put there is no Board. In a district in which the educational need has been proved, if it has been supplied within the year we allow for its supply, there will be no school Board, and the compulsory clause will not apply. There may be instances of a district in which there are public elementary schools managed, as at present by voluntary managers, as well as schools under the school Board; and in such a case none but the school Board would have the power of compulsion.

SIR STAFFORD NORTHCOTE: I do not wish to discuss the question; I only wish to point out how the difficulty may arise in many cases. You may have a school district in which everything that can be done by voluntary effort is done; you may have a parish of 500, in which there ought to be 200 children at school; and 180 may come and twenty may stay away. You do not propose to give the power of compulsion over those twenty. Are you or are you not to say that this is a district in which you have a satisfactory provision? I do not wish to press the right hon. Gentleman to give us more details now; but I hope that, by answers to questions or in some way, this and one or two other points may be elucidated, so that the country may understand what the particular bearings of the Bill are upon these points, before the discussion takes place upon the second reading. In a matter of this sort, a great deal depends upon carrying the feeling of the country with you, and this will have to be done if you are to pass a satisfactory measure. I am glad to see a disposition manifested on both sides to accept the scheme of the right hon. Gentleman. There is much in his statement for which we have to thank him personally, and the Government in general. I can assure the right hon. Gentleman that I am disposed to give every possible assistance in order to get the Bill put into a satisfactory shape; but there will, of course, be questions of detail requiring the most careful consideration, and it is essential, as I have said, to carry the opinion of the country with us if we are to accomplish the difficult and delicate task of welding a number of systems into a single one that will work harmoniously and beneficially.

MR. WHALLEY doubted whether there was sufficient feeling on the subject in the country to enable Parliament to legislate; but even assuming that there was, the right hon. Gentleman in his admirable and lucid exposition had not shown in what respect the present system had failed, nor how his measure would remedy that failure. Under the circumstances, he thought it would be highly expedient that the Bill should be referred to a Select Committee. His experience of conferring education upon children irrespective of their parents had not been satisfactory; the result was not the diminution of crime or of pauperism; there did not follow any of the effects which we desired to achieve by a national system of education.

Motion *agreed to*.

Bill to provide for public Elementary Education in England and Wales, *ordered* to be brought in by Mr. WILLIAM EDWARD FORSTER and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 33.]

MORTGAGES BILL.

LEAVE. FIRST READING.

MR. DODDS, in moving for leave to bring in a Bill to facilitate the re-vesting of Mortgaged Estates in Mortgagors, said, the measure was of a very simple character, involving no complicated details, no new principle, and no new difficulty of any kind. He should have been content to move for leave to bring in the Bill merely, without detailed explanation, but that some desire had been expressed in various quarters to know his reasons for seeking to introduce it. Those reasons were two-fold. In the first place, during his professional experience, he had repeatedly seen the great necessity of such a measure; and, in the next place, he had been strongly impressed with the success which he had observed in a similar measure in connection with the Building Societies Act of 1836. That Act established for the first time in this country benefit building societies. Owing to the present state of the law a very heavy tax was imposed on small properties, which he sought by this Bill to remove. If the Chancellor of the Exchequer had been present he had intended to appeal to him that in his Budget he would exempt the reconveyancers from the stamp duty on the ground that the whole process was really only one transaction, and that therefore a second charge ought not to be made. He hoped that the Chancellor of the Exchequer would either repeal the tax, or limit it to the ordinary receipt stamp. The Bill only consisted of three clauses—one providing for the receipt adopted in the case of building societies, another that the stamp duty should be the same as on deeds of conveyance, and the third that the Bill should not extend to Scotland.

Motion *agreed to.*

Bill to facilitate the re-vesting of Mortgaged Estates in Mortgagors, *ordered* to be brought in by Mr. DODDS, Mr. PEASE, Mr. BOLCKOW, and Mr. WREN-HOSKYNS.

Bill *presented,* and read the first time. [Bill 35.]

SALMON FISHERIES.

Select Committee *appointed,* "to inquire into the present state of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein."—(*Mr. Dodds.*)

And, on February 25, Committee *nominated* as follows :—Mr. KNATCHBULL-HUGESSEN, Mr. LIDDELL, Mr. PEASE, Earl PERCY, Mr. EVAN RICHARDS, Mr. STAVELEY HILL, Mr. WHITWELL, Mr. ASSHETON, Colonel EDWARDES, Mr. KNIGHT, Mr. HERBERT, Mr. HAMBRO, Colonel AMCOTTS, Mr. WILLIAM LOWTHER, and Mr. DODDS :—Power to send for persons, papers, and records ; Five to be the quorum.

OYSTER AND MUSSEL FISHERIES SUPPLEMENTAL BILL.

On Motion of Mr. SHAW LEFEVRE, Bill to confirm certain Orders made by the Board of Trade under "The Sea Fisheries Act, 1868," relating to Boston Deeps and Emsworth, *ordered* to be brought in by Mr. SHAW LEFEVRE and Mr. JOHN BRIGHT.

Bill *presented,* and read the first time. [Bill 34.]

House adjourned at a quarter after Ten o'clock.

HOUSE OF LORDS,

Friday, 18*th February,* 1870.

MINUTES.] — PUBLIC BILLS—*First Reading*—Judges Jurisdiction (10).

INDIA—THE 21ST FUSILIERS—INDIAN RELIEFS.—OBSERVATIONS.

QUESTION.

EARL DE LA WARR rose to call the attention of Her Majesty's Government to the great outbreak of sickness which occurred in Her Majesty's Royal North British Fusiliers soon after their arrival at Kurrachee in March last; and to ask, whether arrangements might not be made for so carrying out the reliefs in India as would enable the troops to arrive in that country between the 1st of November and the following February? He was aware that it was not customary to introduce in this House matters relating to military administration in its ordinary and usual course, because those questions were in general so mixed up with financial details that they were more usually and constitutionally discussed in "another place." But he had not brought forward this question unduly or inappropriately, because, though it had its financial side, it had for its central and prominent element a due and proper care for the lives and health of Her Majesty's troops. He had also a personal reason to justify the course he had taken. He felt a deep and abiding interest in the regiment which was the subject of his question, for he had served in it for many years, and commanded it during the most trying period of the siege of Sebastopol. He would confine himself as closely as possible to the facts of the case, without hazarding any positive assertion that these facts were the cause of the calamitous results which had ensued; but if they established a reasonable presumption that the efficiency of a gallant regiment had been impaired and the health of the men broken down by their arrival in India at an unpropitious and unfavourable season of the year, he hoped the Under Secretary for War would give him an assurance that measures should be taken to accomplish the relief service for India within such a period as a due regard for the health and lives of the troops would seem to prescribe. He had ascertained from the noble Lord the Under Secretary for War that the responsibility for the sanitary arrangements in India and for the movements of troops rested with the noble Duke the Secretary of State for India (the Duke of Argyll); but there were other Departments of the Government concerned in the relief of troops in India, including the Department presided over by the Royal Duke the Commander-in-Chief, the Office of Secretary for War, and the Admiralty Office, as represented in the Transport branch at Somerset House. It was, therefore, rather difficult to steer one's way through such a labyrinth of Departments in order to reach the fountain head of authority and responsibility; which, however, as he had said, he had ascertained to be the Secretary of State. The facts of the case were these — The 21st Fusiliers left this country in February last, and arrived in India about the latter end of March. Soon after their arrival fever broke out among them, cholera supervened, and the regiment was soon reduced to a condition which had been graphically described in a local paper. According to that account, sickness and death had been the portion of the regiment ever since their arrival at Kurrachee. The entire strength of the regiment was something like 800 of all ranks, but not above 280 men of all ranks represented the regiment on parade—a great proportion even of these being unfit for the performance of duty, as they had hardly recovered from the effects of sickness. Many of them were in the ranks on one day, and in the hospital laid up with fever on the next. The regiment was, in fact, to all intents and purposes *hors de combat*. They all knew that disease and death always hovered too closely over the cities of India; but if it could be shown that pestilence was more rife at one season of the year than at another, and that it was more deadly at that season in its attacks upon those who were exposed to it for the first time, it was contrary to humanity and to common sense to send out our troops at that time, and to discover too late that we had sent them out only to die. But their Lordships would be surprised to hear that, in spite of the warning which the fate of the 21st Fusiliers ought to have given, there was another regiment now at Gibraltar which was ordered to leave there in March, in order to arrive in India in April, at a time when a burning, deadly, and consuming heat prevailed. It was melancholy to reflect on what would be the destiny of that unhappy corps; but he hoped the noble Lord (Lord Northbrook) would be able to assure their Lordships that the order for the despatch of that regiment had been countermanded, and that arrangements would be made for so carrying out the reliefs that the troops would arrive in India between the beginning of November and the following February. If it was only a question of providing more steam transport by the Red Sea route, or of sending some of the troops round by the Cape, he was sure the British public would never allow paltry considerations of expense to stand in the way when the health and lives of British soldiers were at stake.

LORD NORTHBROOK said, that certainly the noble and gallant Earl, having been one of the most distinguished officers of the 21st Fusiliers, had no need to apologize for bringing forward this matter; but he was happy to assure him that the statement in the Indian newspaper, which the noble and gallant Earl had quoted, gave an exaggerated account of the state of the regiment. The regiment arrived at Kurrachee at the end of March, and the medical statistics for the following six months showed that it suffered no excessive rate of sickness or mortality as compared with the general rate in the Bombay Presidency at that time. There was no such connection as the noble Earl appeared to assume between the date of the arrival of the regiment at Kurrachee and the epidemic which subsequently broke out in the ranks of the regiment. The Government had not received precise statistics for the time that had elapsed after the first six months; but he held in his hand two reports from the principal Medical Officer at Bombay, giving full particulars of the epidemic which broke out about December last, and at the date of the last return was very prevalent. The strength of the regiment was then 682, and there were in hospital 195 fever and twenty other cases, making a total of 215. The degree of sickness in the regiment had, undoubtedly, been very great, but that of mortality small; for between November and the 15th of January there were only two deaths, making thirteen since the arrival of the regiment in India. The noble Earl would see that this was by no means an excessive rate for a regiment serving in India. In consequence of a recommendation of the Medical Officer at Bombay the military authorities of India had removed the regiment from Kurrachee to Beypore, which it was hoped would tend to improve its health. The past year had been a very unhealthy one, excessive heat being followed by an excessive downfall of rain in Scinde, the result being an outbreak and prevalence not of cholera, but of a malarious fever.

The India Office was responsible for the transport arrangements; but in the unavoidable absence of the noble Duke (the Duke of Argyll) he might state that they were made in 1865, in concert with the different Departments interested, and with the approval of the highest medical authorities, the 15th of September to the 20th March being fixed as the period during which the reliefs should be made; but on the recommendation of the Army medical authorities the dates were altered to the 29th of September and the 1st of April. It was thought better for the troops to arrive in March than to start early in the autumn. It would, no doubt, be advantageous if it could be so arranged that the troops should only arrive in the winter months; and it was hoped that next year there would be fewer regiments to relieve, so that the reliefs could be more quickly accomplished. With regard to the 83rd Regiment, it was impossible, as the ship would start to-morrow, to make any alteration in the transport of that regiment to India; and he hoped their Lordships were not convinced that any such alteration was required, because he believed he had shewn that the epidemic in the case of the 21st Fusiliers was not a consequence of the date of their arrival. His Royal Highness the Field Marshal Commanding-in-Chief had communicated with the Indian authorities with the view of selecting for the 83rd a healthy station in the immediate neighbourhood of Bombay. The health of the army in India was not primarily under the responsibility of the Secretary of State for War, but Mr. Cardwell took a deep interest in it, and in the course of last year, in consequence of serious outbreaks of cholera at Peshawur and other stations, he wrote to the India Office, requesting that the attention of the Governor General should be directed to the question of removing troops as far as possible from stations subject to such epidemics. Both the noble Duke (the Duke of Argyll) and the Government in India were very anxious as to the sanitary condition of the troops, and during the last five or six years large sums had been spent in the improvement of barracks and other ways connected with the health of the troops, which it was believed would result in a diminution of the rate of mortality.

JUDGES' JURISDICTION BILL.

PRESENTED. FIRST READING.

THE LORD CHANCELLOR, who had given notice, in moving the first reading of the "Jurisdiction of Judges' Bill," to call the attention of the House to the Report of the Judicature Commission, and to the measures about to be brought forward in regard to the recommendations of changes in the Court of Original and Appellate Jurisdiction, said, My Lords, in presenting to your Lordships a measure called the Judges' Jurisdiction Bill, I can in a very few words state its purport. But the occasion for bringing it forward at the present time induces me to bespeak a larger measure of your Lordships' indulgence than the immediate subject of the Bill would require. Its object is simply to enable any one Judge of any one of the three Superior Courts at Westminster to sit, upon request, in any of the other Courts for every purpose, and with the same jurisdiction and power as if originally appointed Judge of the Court to which he is so invited. It proposes to enable either Chief Justice or the Chief Baron, on his Court being overloaded with work, to invite to his assistance a Judge from any of the other Courts, and to enjoy the full benefit of his exertions. I am aware that by two previous Acts this assistance can now be partially rendered; but it is confined to a particular subject-matter, and the Acts do not give this power in its totality to a Judge of another Court. The Bill further provides that the Judges may sit *in Banco* in any one Court in two divisions, if they think fit—thus expediting the administration of justice—and that more than two Courts may sit at the same time in London or Westminster at *Nisi Prius*, that power being at present confined to two. The occasion of the Bill is this—The Court of Queen's Bench happens to be very much overcharged with business in comparison with the Common Pleas and Exchequer, and unhappily one of its Judges, Mr. Justice Hayes, has departed this life. Now, if ulterior measures, to which I shall presently refer, should not be carried into effect during the present Session, this Bill will provide for the emergency which will occur through the vacancy in that Court. It will be in your Lordships' recollection that three additional Judges were appointed only two years ago, for the purpose of investigating the petitions which might arise out of the then approaching General Election. They were nominated principally for that express occasion, and it is quite obvious that there is no immediate probability of their services being required to the same extent; and I have no hesitation in saying that seventeen Judges are perfectly adequate to the discharge of all the ordinary duties of the Common Law Courts. It has therefore appeared to the Government expedient not to fill up the vacancy caused by the death of Mr. Justice Hayes. There is another vacancy, which I have the deepest reason to deplore, caused towards the close of last Session in the Court of Appeal in Chancery, by the death of Lord Justice Selwyn. Remembering his extraordinary quickness of apprehension, his retentive and well-stored memory with reference to determinations which had taken place in the Courts of Equity, and his ready judgment in applying those cases to the facts before him, I have great reason to deplore his loss to the Court of Appeal. I may mention that when it first became my duty to sit with him as Lord Justice of Appeal, during the Chancellorship of my noble and learned Friend Lord Cairns, we found, owing to the ill-health of Lord Justice Rolt—who is happily still preserved to his family, though not to the profession—and to other accidental circumstances, arrears of about a year and a half in the appeals then pending; whereas, during the period that intervened between my noble and learned Friend's appointment to the Woolsack and Lord Justice Selwyn's death they were so reduced that on more than one occasion the Court rose on account of having nothing more to hear; and they are still so kept down that, notwithstanding that loss, not more than thirteen appeals are awaiting hearing, the three oldest of those dating from the middle of last December, and the others from only last January. Under these circumstances it did not appear to me advisable that the Government should fill up the vacancy occasioned by the death of Lord Justice Selwyn. The special reason why the two vacancies were not filled up I have now to explain. In March, 1867, my noble and learned Friend Lord Chelmsford being Lord Chancellor, a Commission was appointed presided over by my noble and learned predecessor (Lord Cairns), to inquire into the general question of the state of our Judicature; and there was included in the scope of the Commission power to inquire into the Courts of Equity, the Superior Courts of Common Law, the Court of Probate, and the Court of Divorce, and to recommend such steps as might be thought expedient for the purpose of ascertaining what was the operation and effect of the present separation and division of jurisdiction in the several Courts, as well as of the arrangements for holding sittings in London and Westminster, and sittings and assizes in England and Wales. The composition of the Commission will, I think, satisfy your Lordships that the subject received full and complete inquiry. The Commissioners were Lord Cairns, myself, Sir William Erle, Sir James Wilde (now Lord Penzance), Mr. Baron Bramwell, Mr. Justice Blackburn, Mr. Justice Montague Smith, Sir Robert Phillimore, Judge of the Admiralty Court; Mr. Hunt, Chancellor of the Exchequer under the late Government; Mr. Childers, the present First Lord of the Admiralty; Vice Chancellor James; the present Attorney and Solicitor Generals; Sir Roundell Palmer; Sir John Karslake, the late Attorney General; Mr. Ayrton; Mr. Quain, an eminent member of the Bar; Mr. Rothery, Registrar of the Court of Admiralty; and three eminent solicitors, Messrs. Bateson, Hollams, and Lowndes. The result of the inquiry was awaited with the greatest anxiety; for it had long been the opinion that we had suffered grievously in our whole system of judicature—nay, in our whole system of jurisprudence—from the unhappy separation of our Courts into two distinct branches, administering law on totally distinct principles. I suppose no civilized nation, at any period of its history, has failed to arrive at an epoch when, from the desire of rendering justice fully and fairly to all persons, according to the various emergencies which arise as civilization advances, it has found itself obstructed by those precautionary measures which tribunals from time to time have thought fit to take in order to secure justice, but which, at length, settle down into a rigidity of practice incapable of accommodating itself to the wants of mankind, and therefore necessarily bringing about the very reverse—namely, injustice, sometimes of the most serious description. I do not propose to enter into an antiquarian investigation of the history of the Roman law; but, happily for Rome, hard and severe as her rules of Common Law at one time were, she early learned, as time advanced, and the various interests of civilization required change, to intrust the Prætor with the power of so far mitigating its severity as by degrees to introduce those changes which resulted, at a far later period than that of which I am speaking, in the whole administration of justice being committed to one single tribunal, which had full power over every dispute in the cases brought before it, and was competent to administer full and complete justice. Scotland has had the benefit of that course of procedure in connection with the law of Rome; as have also all the various countries of Europe which have in effect adopted the system of Roman law, though wisely modifying it by various codes of procedure of their own. But in this country it was not so. Originally, I doubt not, we were free from many of the difficulties which have since sprung up. Originally, the great Council of the King, dividing itself into various branches, administered the law, not, as afterwards, by separation into totally distinct Courts having no intercommunion with each other, but simply as the division of labour required, by handing over to one or another branch those particular functions for which it was thought peculiarly competent—still preserving an interchange and intercommunion of the several branches of the judicature. The Privy Council is still framed very much more on that model than any of our Courts, for it never separated itself by hard and definite lines into separate Courts and jurisdictions, but retained the power of intrusting to committees the particular subject-matters thought most expedient for separate investigation—always with the freest power of intercommunion and assistance. I do not intend to detain your Lordships by antiquarian research. From the King's Bench, Common Pleas, and Exchequer being intrusted with various functions, it ultimately resulted that each, in many respects, held exclusive jurisdiction, introducing a rigidity and stiffness into the administration of law which was in itself disastrous. When, moreover, the evil became apparent—when the necessities of mankind required far more elasticity than any of those Courts appeared to possess — when property passed more freely, and a greater variety of rights arose—the Court of Chancery, which had for its earliest and principal function the issuing and framing writs of procedure in the Courts of Common Law, and for a time kept pace with the wants of the age by framing special writs for special circumstances, was compelled, by the difficulty of determining rights at Common Law according to the strict system which had gradually grown up, to introduce a jurisdiction of its own. It thus not only remedied the severity of the law, which by some is supposed to be its function, though that is not the case unless that severity contains some ingredients rendering it manifestly subsevient to fraud, but adapted itself to the wants of mankind by specific remedies, such as the Courts of Common Law could not grant. In that way it took upon itself a juisdiction wholly separate from the Common Law, and the consequence was that two species of rights co-existed constantly in the same individual, by one of which he was entitled to a remedy against his opponent by summoning him before the jurisdiction of a Court of Common Law; but while doing this, with the certainty of obtaining a verdict against his opponent, he might be declared by another jurisdiction—merely equitable—to be as clearly in the wrong in the second Court as he was clearly in the right in the first. He could not only be arrested in his proceedings in the first Court, where he was entirely right, but arrested on penalty of costs for having attempted to assert his rights in that inequitable manner. Now that surely cannot be a satisfactory state of things. It cannot surely be right that a man on appeal to one tribunal be declared to have right and justice on his side; while his opponent on appeal to another tribunal may have it declared that he is right and his opponent wrong. Further, there is another ground of difficulty with regard to the Courts of Common Law—namely, that they cannot in frequent cases afford an adequate remedy. The Common Law Courts began to administer the law at a time when there was great simplicity in the ordinary transactions of life, even in such small portions of dealing with contracts and mercantile affairs as came before them; and the general result was "aye" or "no" upon a single issue, matters being brought to a simple issue of law or fact, to which result the whole energies of the Common Law Judges were directed. They would scarcely hear of anything which could not be brought to a single point either of law or of fact, and it was necessary therefore that there shall be a regular course of pleading, a regular statement of the case, a plea put in, replication to that plea, and so on, until the case was reduced to a distinct point of law or fact, whereupon the whole matter was one between A and B; no other parties could be introduced, and the question of fact was determined by a jury. The Court of Chancery, on the other hand, could enter into a complete investigation of any matter, however complicated, accommodating itself to every species of right and injury, simply stated in what was called an English bill, from the use at Common Law of Norman-French. It required all parties interested to be brought before it, and gave great facilities for determining once for all the rights of all concerned. It had moreover several means of affording redress of which the Common Law was destitute. One powerful engine for preventing apprehended injustice was the right of granting injunctions—this being an early and beneficial use of its powers; and it could not only give damages for breach of contract, but could require specific performance of a contract into which a man might have entered. For the breach of a contract for buying an estate, for instance, the Common Law could simply award damages; whereas the Court of Chancery could require its fulfilment, no matter whether the estate had since increased or decreased in value. Unhappily, from a very early period there arose a two-fold jealousy of the Court of Chancery, which diminished its popularity—a jealousy on account of its being administered at one time almost entirely by ecclesiastics, and a notion that it introduced the Roman law, and that this was adverse to the principles of liberty. There was a great preference, too, on the part of the great majority of the people, for a decision by a jury over one by a single Judge. But, whatever the causes, the effects were for many years apparent. Thus, on the one hand, the Courts of Common Law by degrees became so rigid in their rules that a man not unfrequently lost his property, not because he was not the owner of the property, or because his opponent did not withhold it from him unjustly, but through a mistake in the pleading or conduct of the case and through the plea being overruled. On the other, great difficulties, I am bound to say, arose in the Court of Chancery through its becoming somewhat more prolix in its proceedings than formerly. Then conflicts occurred in the reign of James I. between the two classes of Courts, arising simply from a misapprehension of the state of the case, the interference of the Court of Chancery being not with the Court but with the plaintiff, in respect of his not being entitled to take advantage of his remedy at Common Law. But it was not until late years that attention was drawn as it ought to have been to the great inconvenience of the separation of the two jurisdictions, which gave but too much ground to the saying that a litigant might be torn into two parts, one half of his case being decided at Common Law and the other in Chancery. It is clear and manifest, and it is daily becoming more so to all men, that a man should have his whole right determined from beginning to end by one Court, whichever it may be, and I think the only plan is to intrust to one Court jurisdiction over the whole subject-matter of any cause. I believe your Lordships also will come to this conclusion. As early, indeed, as 1657, a man of singular quickness of apprehension and foresight, shown by the number of very valuable remarks and pregnant suggestions on the improvement of the law, condensed in a small volume to which Lord Justice Rolt called my attention—I mean Mr. Sheppard, in a book entitled in the quaint language of the day, *England's Balm*, made this recommendation—

> "That the Courts continue at Westminster as now they be, but that when anything of law doth arise in a Court of Equity, it be ended in the same Court; and on the other side, if a matter of Equity arise in a Court of Equity, it shall be ended there."

Mr. Sheppard, who also published a book on Conveyancing, called *Sheppard's Touchstone*, appears to have been so impressed with this opinion that he recurs to it again at the close of the book; and it is most remarkable that he suggests reforms which were only effected in Bills brought in by Lord Cairns and Lord Justice Rolt a few years ago—the first by my noble and learned Predecessor enacting that the Court of Chancery should have power to try causes and give damages, instead of specific relief; and the other by Sir John Rolt, to prevent the Court of Chancery from doing what they had been in the habit of doing before—sending every question in a cause that involved a point of Common Law for the opinion of a Court of Common Law. I may mention also, as a curious question of prevision on the part of Mr. Sheppard, that he notices the inconsistency of giving damages for injuries to the person to the sufferer alone, and refusing them to his family in the event of his being killed—an anomaly remedied by Lord Campbell; and he recommends that a bankrupt's subsequently acquired property should be available for his creditors—a principle which your Lordships adopted in the Bankruptcy Bill of last Session. The Court of Chancery allowed itself to be so hampered by the rigidity of its practice that one might have supposed the Judges ignorant of the simplest points of Common Law. However simple might be the point of law that arose it was at once sent to a Court of Common Law; and so, on the other hand, in Common Law, if an injunction were wanted or a discovery was to be made, the case was at once sent to the Court of Equity. These things have, it is true, been remedied, but the remedy is a very partial one. A man has never been deemed disabled for the Lord Chancellorship because he has not been trained at Equity, although, when sitting in Equity, he is supposed to have forgotten all the law he ever learned, and would have to consult the Common Law Judges on a legal question. Certainly no such incompetency could have been alleged against Lord Eldon, who was taken from the Chief Justiceship of the Common Pleas to preside in Chancery. Lord Erskine was almost entirely a Common Law man, and of his successors, five received their whole training at Common Law, five their whole training in Chancery, where my late learned and lamented Friend (Lord Cranworth) happily combined both sources of instruction. Taking all these things into account, one cannot be surprised at the appointment of the Commission to consider the whole subject of our judicature. Commissions on the Court of Chancery had been issued from time to time, commencing, I believe, in 1815, by the issue of a Commission by Lord Eldon. This inquiry was of very feeble efficacy, the only result being the appointment of a Vice Chancellor, which, no doubt, was very desirable and necessary. After that, Lord Brougham made, in 1828, his celebrated speech in the House of Commons, to which I had the pleasure of listening, and which stirred the public mind to its very depths, on the difficulties and embarrassments thrown in the way of the administration of justice. One may date from that period the more general interest shown in this confessedly somewhat dry subject. Lord Chancellor Lyndhurst, in 1827, commenced reforms in the Court by Orders, and that course has been continued by successive Chancellors. In the time of Lord Truro, a Commission was appointed, mainly at the instance of my noble and learned Friend (Lord Romilly), then Attorney General, over the deliberations of which he for a long time presided. It recommended improvements in Chancery, with the recital of which I need not weary your Lordships, and there was in 1851 a Commission also on the Common Law Courts. Both these Commissions recommended that in whatever Court a cause began there it should end, and that gave rise to some subsequent arrangements I have mentioned. My noble and learned Friend (Lord Westbury), in a most eloquent and lucid account of the state of the law, has also done much to stir up public opinion in the same direction, and to create a desire that the great evils and inconveniences of the present system should be remedied. Now, inconvenience is caused by a man being bandied about from one Court to another till he ascertains which is the proper Court; expense is entailed through a mistaken selection of the Court, and it is uncertain in many "border" cases where they should be carried. At last, the Commission, the recommendations of which I have now to bring before your Lordships, was issued in 1867; and I think we may take credit to ourselves, considering the numerous duties and engagements of the members, and that our meetings could never commence until after 4 o'clock, that we finished our labours in a year and a half, having made our Report in March, 1869. The

Commission was directed to consider the whole question of our judicature—the Courts of Chancery, the Courts of Common Law, of the Admiralty, and of Probate and Divorce; and subject to certain notes appended to some of the signatures and to the objections of the Judge of the Court of Admiralty as to consolidating his Court we unanimously agreed that all the Courts into which we were directed to inquire should be consolidated into one great Court, and that that Court should have the power of dividing itself into separate divisions—not for the purpose of continuing the system of separate jurisdictions of law and equity, but in order to hand over from time to time, like the Privy Council, any business to that Court which shall seem most appropriate for it, and subject to this reservation—that no one Judge of this High Court shall be irrevocably attached to any one division; and, further, that if at any time it is thought desirable to transfer a cause from one division to another it shall not be done by a new beginning of the cause, but it shall be transferred bodily from one division to the other by the simple process of walking from one room to the other. Great care should, however, be taken to avoid again hardening into a rigid system, incapable of application to the exigencies of the times, which is the besetting sin of all Courts. That, we recommend, should be provided for in this manner — The High Court should, in itself, unite all the powers now vested in any of the Courts, or in the Judges of any one of the Courts. Having these powers, it should then commence the work of distribution of business—not acting in so rigid or settled a manner as to prevent its arrangements from being altered again, if necessary, by the same body, but laying down rules for the guidance and conduct of business; and also laying down rules as to pleading, endeavouring to make them as simple as possible. The Report goes into considerable details, with which I need not weary your Lordships, as to the mode in which these pleadings may be made in the simplest form, and also with regard to the taking of evidence, as to which I shall have another opportunity of explanation when the Bills are brought forward. I may mention, in order to show that we did not overlook any part of the difficulties of the case, that we strove to provide, I hope and think effectually, for those difficulties as they might arise. The scheme will resolve itself into this, that you will still have a Court of Chancery, or a Court equivalent to the Court of Chancery—for, as to names, there is no great magic in them; you will have a Court equivalent, in the same way, to the Courts of Queen's Bench, of Common Pleas, and Exchequer; and, lastly, you will have a Court in which the business of the Courts of Probate, of Divorce, and of Admiralty will be carried out in the same division. That being so, I will now proceed to state to your Lordships the alterations we propose shall take place. It was thought desirable that the Court of Appeal should not be constituted of Judges who had already exercised their functions in the Court of First Instance. A few of these Judges, as I shall have presently to point out, may be placed in the Court of Appeal; but, as a general rule, it was thought desirable that the High Court of Justiciary should be constituted of Judges devoted to that particular work. As to the Master of the Rolls, it was determined that he should be a Judge of Appeal, and should be removed from the Court of First Instance; and for this reason. In 1851 two Lords Justices of Appeal in Chancery were appointed, who, together with the Lord Chancellor, formed the Court of Appeal; in which Court either the Lord Chancellor might sit alone, or the two Lords Justices might sit by themselves, or all three might be united in the hearing of causes. The Lords Justices were placed in a rank which is assigned to them by the Act of Parliament—that is to say, next after the Lord Chief Baron. The Master of the Rolls, on the other hand, occupies the third place in the roll of legal dignities—the Lord Chancellor being first, the Chief Justice of England second, and the Master of the Rolls third. Accordingly, it has been thought desirable that the Master of the Rolls should not occupy a position in the Court of First Instance; otherwise his decisions, if overruled, would be overruled by two Lord Justices, inferior in professional rank to himself. But if he be removed to the Court of Appeal an additional Judge will be necessary to supply his place in the earlier tribunal; and that is provided for by a provision in an Act of last year. As your Lordships are aware, the Chief Judge of the Bankruptcy Court was appointed specially by a clause in the Act; but it was provided that in any future appointment a Judge of one of the Superior Courts should exercise the functions of the Chief Judge in Bankruptcy; in this manner, therefore, the places of the four Judges in Equity, who are at present found sufficient, will be filled up. With regard to the Judges of the Common Law Courts, regard being had to the other changes which are to be made, the recommendation is that there shall be five Judges acting in each division, instead of six Judges, as at present. If five Judges only be retained for this purpose, there will remain three Judges whom we can dispose of for the discharge of the other duties cast upon them. Of these three, one will be placed in the Court which will deal usually with Admiralty, Divorce, and Probate proceedings; and thus we shall have the same tribunal in point of number, and no doubt also in point of ability, as we now have in the Court for hearing appeals in Divorce, which is composed of the Judge of the Divorce Court assisted by two Common Law Judges. After taking one Judge for that Court there will remain two others, who may otherwise be usefully employed. The Court of Appeal is proposed to be constituted as a permanent Court of Appeal, which shall take all cases, Common Law or Equity, indiscriminately. Over this Court the Lord Chancellor will preside; the Master of the Rolls, by virtue of his office, will also be a member; together with the two Judges to whom I have already referred as being disposable for the office. The Court will therefore be constituted of four permanent Judges; but with these we further propose to associate three Judges to be selected by Her Majesty, annually, from among the Judges of the Courts of First Instance. By this means it is hoped that we shall not only secure a permanent body of a very high judicial character, but shall combine with this permanent body Judges who will bring to its deliberations the recent experience acquired from their practice in the Courts of First Instance; the supposition being that the permanent Judges may not have constantly present to their minds the current daily course of decisions going on in the Courts below. Your Lordships will see that I have mentioned one less in number of the Judges than the Report speaks of. I do not now propose to go into details upon the subject, but merely to give a general outline of the plan proposed; but I think it will be found that nine instead of ten will be quite sufficient. The Report mentions three as the quorum in cases of appeals; and if so, with nine Judges, there can hardly be any difficulty in finding a quorum for the Appellate Court. It may be asked whether there are not special circumstances in the case of the Courts of Admiralty, of Probate, and of Divorce; and undoubtedly their functions have been exclusively confined to a course of procedure having reference to those special matters; but cases are continually arising, especially under the enlarged powers which have been granted to the Court of Probate, which on strict examination it will be found may as well be dealt with by one branch of the judicature as another. As regards the Court of Admiralty, there is this peculiarity, that in time of war special and very difficult questions may arise; but in ordinary times it deals solely with questions of property. And with regard to Admiralty practice, it is to be borne in mind that there are two rules based on totally opposite principles now in operation—one, that acted on in the Courts of Law, the other adopted by the Admiralty Court, the results of which are frequently in direct conflict. For instance, if a ship be run down, and an action be brought at Common Law, and it is proved that there have been faults on both sides, the plaintiffs will fail to recover damages altogether; whereas in the Court of Admiralty, somewhat after the Jewish jurisprudence, the two losses are added together, and the Court divides the burden between the parties. To give other instances—they are not very many, but there are other instances of inconveniences arising under the present system—would be tiresome. Let me simply remind your Lordships of the present constitution of the Court of Exchequer Chamber — the Court for Common Law appeals. I cannot better describe the working of that Court than by reading a passage from the Report of the Commission—

> "The Court of Exchequer Chamber is formed by a combination of all the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, under such arrangements that errors and

appeals from each of those Courts are determined by Judges taken from the other two. The inconveniences of this system are, in practice, very serious. All these Judges having during nearly the whole year pressing demands upon their time for other purposes, are only able to devote a very limited number of days after each term to the hearing of appeals and errors; and each of these periods requires to be broken up into three parts, and the constitution of the Court to be three times changed, in order to dispose of a portion of the appeals and errors from each of the Courts of First Instance. The effect, generally, is so far to reduce the number of Judges who are able to attend in the Court of Exchequer Chamber as, in case of any difference of opinion, to render it possible that the majority of opinions, in the Court of Appeal and the Court of First Instance taken together, may be overruled by the minority —a result which, as the Judges of Appeal are not appointed or selected especially to act as such Judges, and the Judges who have been overruled to-day may to-morrow themselves sit in appeal from some decision of the Judges who have taken part in overruling them, is eminently unsatisfactory."

There cannot, I think, be a doubt that the Court of Appeal which the Commissioners recommend would be an improvement upon this system. It is suggested that this Court should be empowered to sit either as a full Court, or in divisions, but that the number of Judges sitting together in any division should never be less than three. The Judges of the Court other than the nominated Judges should always form a majority of the Court. At present the appeal in Chancery lies to the Lord Chancellor sitting alone, if he chooses to hear the case; but I do not think it desirable that there should be in any case a Court of Appeal of less than three Judges to overrule the decision of the Judges of the First Instance. I think I have now stated to your Lordships all that it is necessary to mention with regard to the Report which is proposed to be carried into effect by the Bills which I shall lay before you. The Report, however, deals with other subjects—such as the circuits; but on that point it is not yet altogether complete or satisfactory; so that we do not propose to legislate as to any of these, with the exception of the Home Circuit; and this it is proposed to abolish, in order that all the cases which are now heard upon the Home Circuit may be tried in the metropolis. Further than that it is not now proposed at present to interfere with the circuits. There is another point which is of great interest to your Lordships' House, and to which I wish specially to call attention. I believe the suggestion I am about to make will be found of very great convenience, and that it will not be attended with diminution of the jurisdiction of this House—a matter with which of course the Commission was incompetent to deal. I refer to the possibility of securing a more continuous hearing of appeals by a very simple process—namely, by adopting a practice in this House analogous to that which prevails at the Privy Council. At the Privy Council there is a Judicial Committee which hears and determines cases as far as it is competent finally to determine them; but that determination is not of avail till it be presented to Her Majesty and is by Her Majesty approved. It occurred to me many years ago — as, indeed, the suggestion occurred to others —that your Lordships' House should of yourselves at the commencement of every Session appoint a Committee of Appeal —a Judicial Committee of your Lordships' House. You would place those you thought fit upon that Judicial Committee—probably those who now hear appeals, and probably others you might think desirable should act on that Judicial Committee; and that Judicial Committee would be empowered to hear and report. Their report would be made to the House and would have to be affirmed by your Lordships. The jurisdiction of this House would be preserved intact. The Committee might also be empowered to sit during the Recess and during prorogation should it be found needful. It might possibly have to sit once or twice during the week; but it would not be necessary to continue that practice long, because the appeals would rapidly diminish; and with that power you would be enabled to do justice, which it is now found impossible to do. I have before me a Return of the number of appeals standing for hearing in your Lordships' House at the beginning of the Sessions 1867, 1868, 1869, and 1870. In 1867 they were 43; in 1868, 42; in 1869, 38; and in 1870, 63. No doubt the number was largely augmented by the circumstance of a lady occupying the time of the House for a period of twenty-four days last Session. But I have also a Return of the number of causes set down for hearing. In 1867 there were 40; in 1868 there were 38; and in 1869 there were 56. Your Lordships will find that from the moment any Court falls into arrear appeals multiply; but if the suggestion of a Judicial Committee be adopted, and that Committee be empowered to sit if required at other times than when the House is sitting, the arrear will be cleared off, and justice will be done in cases where parties are really desirous to be heard. I also propose that this Judicial Committee should have power to call in aid any member of the Judicial Committee of the Privy Council—the report of the Committee having always to be affirmed by the House. I propose, my Lords, to embody these alterations in two Bills—one applicable to the Court of First Instance and the other to the Court of Appellate Jurisdiction. I have to apologize for entering into these details when I am not prepared to lay the Bills on the table, but I hope soon to do so. I was anxious to call attention to the subject when I could have the benefit of a full attendance of your Lordships, especially of the noble and learned Lords. I have endeavoured to treat the subject as briefly as was consistent with making, I hope, a clear and distinct statement. In conclusion, my Lords, I do rejoice to think there will be great facility afforded to this scheme by the large public work which seems now at last about to be commenced—I mean the providing suitable courts for the administration of justice. You have a noble palace for the purposes of legislation—suitable to the dignity of the body who assemble here and the convenience of those who from various causes are compelled to have recourse to it; but at the present time there is scarcely a court fit to be used as a court of high judicature, and scarcely a court that affords adequate accommodation to suitors and witnesses. Now, there will be besides a physical advantage a great moral advantage in having one building; you will bring under one roof all those who, forming one Court, will sit in the administration of justice. You will give them an opportunity of convenient communication with one another. You will have then a body of men animated with the spirit of improvement, adequate to meet the various exigencies that may from time to time arise, and not fettered or paralyzed by custom or antiquity, beyond regarding, no doubt, anterior decisions with the respect necessary to secure uniformity and certainty in the law. The Judges will thus give new life, spirit, and fresh activity to the improvement of the law. You will have taken a great step when you have secured a whole body of men animated by one common spirit for that purpose—who shall thus have intrusted to them, so far as concerns procedure, the despatch of business—all that is not of the essence and substance of the law; for you will not intrust to them anything beyond administration, but everything necessary for securing the determination of the just rights upon which they are called upon to adjudicate. Having these men in one building, there will be greatly increased facilities for what ought to form the great object of attainment in any administration of justice—the speed, cheapness, and certainty of its administration.

The noble and learned Lord then *presented* "a Bill to extend the Jurisdiction of the Judges of the Superior Courts of Common Law at Westminster."

Lord CAIRNS: My Lords, it certainly is impossible to overrate either the interest or the importance of the statement of the noble and learned Lord on the Woolsack; and if the character of the Bill he has foreshadowed be of interest and importance to your Lordships, it is of equal importance to the whole people of this country. If in a matter so great I might refer to anything personal, I might claim some personal interest myself, because I had the honour of presiding over the Commission to which my noble and learned Friend refers; and I should do less than justice to those with whom I had the honour of serving if I did not testify to the amount of labour and the sacrifice of time which every member of that Commission incurred—labour and attention the more remarkable, nearly every member of it being occupied almost all day and many hours of night also in business of most pressing description. I do not rise in any way to enter into details of the measure recommended by the Commission, and which I understand in its most conspicuous features is embodied in the Bill upon the table. I will refer to only one detail. My noble and learned Friend said he had some reason to be satisfied that the Court of Appeal which the Commission recommended would be sufficiently constituted with nine members instead of ten as recommended by the Commission. The Commission recommended that the Court of Appeal, being only a division of the Supreme Court, should consist of the Lord Chancellor, as President, the two Lords Justices, the Master of the Rolls, three permanent Judges, and three Judges to be selected either annually or every two years from the other Judges of the Supreme Court. In that way there would be seven permanent Judges of the Court of Appeal and three changeable Judges. That was a subject to which the Commission gave the greatest care and consideration. They were extremely anxious to recommend the smaller number, if possible; but, after the most careful examination, they arrived at the conclusion that it was utterly impossible to keep down the appellate business of the country coming from all the Courts with less than Appellate Courts in three divisions. Now, I agree in every word that has been said by my noble and learned Friend as to the immense importance of an Appellate Court keeping down its business, because I believe that arrears of business in any Court multiply in exact proportion to the number of arrears already existing—the more arrears there are the greater they become, because there are always plenty of people willing to run the risks of having to pay costs for the sake of keeping a question open two or three years. We, therefore, thought it of great importance to keep down the appeals; and we were also of opinion that it was a point of great moment that the Appellate Court should obtain a hold, from its strength and character, on the confidence of the country, and it seemed to us that if the Court were successful in obtaining that confidence it would diminish the number of appeals to the House of Lords. With this view we deemed that each of the three divisions of the Appellate Court should be composed of not less than three Judges. If, however, the Appellate Court is to consist of nine members only, one of them being the Lord Chancellor, then, as the Lord Chancellor would be unable to sit on many occasions, and as also casualties might arise preventing some of the other Judges from attending, the number of nine would consequently be reduced, and one division of the Appellate Court would be prevented from sitting. It was therefore thought by the Commission that the Appellate Court should consist of the Lord Chancellor and nine other Judges; so that there might be some certainty of having three Judges for each of the three divisions: and this is a matter which I hope my noble and learned Friend will consider carefully before introducing his Bill on the subject. With your Lordships' permission, I would say a very few words with regard to the other proposal of my noble and learned Friend with respect to the appellate jurisdiction of this House. I am one of those who for some time advocated the idea of having the appellate jurisdiction of the House conducted through a Judicial Committee, in the same way as the appellate jurisdiction of the Privy Council is conducted by the Judicial Committee of that body; but I never thought that one of the advantages to be derived from that measure was the advantage which has struck my noble and learned Friend, perhaps more than it deserves—the proposal that such Judicial Committee of your Lordships should sit during the vacation. This subject connects itself very much with the Judicial Committee of the Privy Council. The judicial business of the House appears to have increased during the last few years, and that of the Privy Council has increased enormously. Latterly, the appeals from India have increased to a great extent year by year, and at present the list for hearing is very heavy at the Privy Council. It is requisite to recollect on whom we can rely for taking part in the deliberations of the Judicial Committee of that body. A great number of the members of it are existing Judges engaged in other Courts, who can only give their assistance for a limited number of days, and all my noble and learned Friends who are here present and have judicial functions to discharge as Members of this House are also members of the Judicial Committee. Some other members there are, neither Judges in office nor members of your Lordships' House. And here I cannot speak too highly, without intending to make any invidious distinction, of the great care and attention bestowed by Sir James Colvile on every case coming before the Council. Then, with regard to the Judicial Committee of this House, you must remember that most of its members are, during many months when the House is not sitting, in attendance on the Judicial Committee of the Privy Council. Now, bearing in mind that the attention and time of those noble and learned Lords are not merely occupied during the days only when they sit to hear appeals, but that many other days are also given to the study of the cases which have been argued before them, and also that my noble and learned Friends frequently fix the hearing of appeals in the Privy Council at dates during the Recess, I must say I do not think that the Judicial Committee of your Lordships' House could be so composed as to enable its members during the time when the House is not sitting to devote attention to appeals here. I will not pursue this part of the subject further, but with respect to the other matters referred to by the noble and learned Lord, I believe that we are all anxious that the reform should be passed in the best possible form, and that the great blots in the judicature of the country should be as speedily as possible removed.

LORD WESTBURY: My Lords, I congratulate your Lordships on the very noble and comprehensive plan of reform sketched out by my noble and learned Friend; and I congratulate the noble and learned Lord on the privilege he has enjoyed of bringing forward a measure from which so much may be expected, and which I think will certainly lead to the most beneficial results—though I am sorry to say that it cannot be expected that those results will be immediate. The faults of our system have not been confined merely to delay, uncertainty, and contradiction in the administration of the law. The unfortunate division of our laws—or of the administration of them—into Law and Equity, has led to a similar division of the education of young men studying for the Bar, some of them studying for practice exclusively in the Common Law Courts and others for practice only in the Equity Courts. The same has been the case in respect to the Judges. The difference between these two branches has in truth been so great that the jurisdiction and principles of the one set of Courts are almost *terra incognita* to the practitioners in the other. Therefore, I anticipate that a considerable time will elapse before we have the benefit of this great scheme of reform. It is now nearly forty years since the question of what was called the fusion, or the uniting, of Law and Equity was first agitated. At first it was treated as a species of fond delusion, but it has grown up of late to be regarded as a necessity. We now wonder how we could have endured the whole system so long. It must create surprise when I tell your Lordships that about eighteen or nineteen years ago I heard it said at a great dinner given by the Lord Chancellor of that time to persons eminent in the law, that it was the most perfect state of things to have Common Law administered in one set of Courts and Equity in another; and I remember putting it to those present whether it was not unreasonable that one Court should be bound to commit injustice and that another Court should be instituted, the functions of which should be to watch the proceedings of the first Court, to run after it and stop it in its course. A great deal will require to be done. There will be necessity to invoke the Legislature to settle the differences that now exist between the Courts of Common Law and the Courts of Equity, and above all, it will be necessary to do that without which all else will be unavailing—namely, to prepare a simple code of procedure that shall be common to every tribunal. It was the want of that which originally caused the difference that now exists. When the business and concerns of mankind became more enlarged, it was the duty of the Judges to have prepared further rules and more enlarged *formulæ*; but they were chained to the common forms and special pleading in which they delighted, and, therefore, they did not fulfil that duty. That caused suitors in search of justice to go to the Sovereign, by whom they were sent to the Lord Chancellor; and that was the origin of the jurisdiction of the Lord Chancellor and of the difference between the jurisdictions of Equity and of Common Law. We must now have one single form of procedure, and the preparation of that will require considerable care and attention. I hope my noble and learned Friend, when he brings in his Bill, will not content himself with an outline of general principles, but will also tell us that the preparation of a code of procedure shall be entered upon. With reference to the announcement the noble and learned Lord has made of an alteration in the constitution of the appellate tribunal, I feel very considerable difficulty. This is not a time in which the House of Lords should be stripped of any function or public duty, and I see very great difficulty in having a tribunal constituted as proposed. If you call in the aid of those who are not Members of this House you should reserve to this House a majority in the tribunal. The peculiar character of your present tribunal is that it decides appeals in the manner of a deliberative body, and not in that of a judicial Court; and there are several judgments and not one judgment. I am exceedingly glad the noble and learned Lord opposite (Lord Cairns) has called attention to the state of legal business in the Privy Council. There is an enormous amount of colonial appeals, which seems to be increasing every day, and it is undoubtedly of the highest importance that that business should be promptly disposed of; for nothing tends more to strengthen the bond of union between this country and her colonies than the giving due attention to the hearing and adjudication of their causes. One fault of the Judicial Committee is this — that the colonial appellant does not know how the tribunal to which he appeals will be constituted; it may consist of two or three to-day and of four or five to-morrow, but it must always be a subject of great interest to the colonial appellant to know what sort of a tribunal he will have. I trust that this matter will receive the attention of the Government.

Lord ROMILLY: My Lords, I have listened with the greatest pleasure to the statement of the noble and learned Lord on the Woolsack, and I anticipate great advantages from the carrying out of what he proposes. I wish to enforce on your Lordships' attention the point just mentioned by the noble and learned Lord (Lord Westbury), the importance of establishing an uniform code of procedure. It is from the want of such a code that the present confusion has arisen. The proposed Court will fail unless accompanied with a new and uniform system of procedure, applying alike to legal and equitable interests. This is pointed out by the Commissioners in their Report; this was found to be a necessary preliminary in preparing a code for India, and the late Court of Exchequer was a striking instance of this truth; for that Court, having complete jurisdiction in Equity as well as Law, and having all the machinery necessary, found itself so constrained by the form of procedure, that no Court in this country was more strict in preserving the exact boundaries of Law and Equity. With regard to that part of the scheme which relates to the constitution of the ultimate appellate tribunal, by the formation of a Judicial Committee of this House, I approve of the plan generally, but I do not at present think that it will be wise to introduce into it any persons who are not Members of your Lordships' House. When I gave evidence before a Committee of this House on this subject, I pressed strongly the importance of having lay members to sit on such a Judicial Committee, and that view was shared by several persons whose names I could mention and whose opinions have weight with your Lordships. The opinion expressed by them was that among your Lordships were many, who, though they had not received a legal education, nevertheless possessed a considerable amount of judicial aptitude, which is a rarer and more valuable quality than legal knowledge; that the effect of introducing such persons to the Judicial Committee would be to cause decisions to be ultimately founded more on common sense and less on legal technicalities, and that in this way those that were not lawyers possessed a considerable power of disposing of judicial business; this is proved by the efficiency with which a number of your Lordships perform judicial functions as Chairmen of Quarter Sessions. I think, therefore, that with a little care and proper selection a Judicial Committee might be formed which would be most valuable for the administration of law and of justice. I entirely coincide with the noble and learned Lord who has just spoken (Lord Westbury) of the value of the Judicial Committee of the Privy Council. It is of great importance to impress upon the colonies the conviction that in England real justice will be well and speedily done between contending parties residing in India and different quarters of the globe, and, I firmly believe that an enlightened and strictly important tribunal on which colonists can rely will do more to bind them to us than any arrangement about military forces in times when they are not attacked from without.

Lord REDESDALE said, that as the Bill of the noble and learned Lord would have reference only to England it might be well to remember that out of forty-eight appeals now before the House twenty-four, or exactly one-half, came from Scotland. Whether that was through any defect in the Scotch Courts he did not know; but comparing the amount of legal business in the two countries, it was clear that if the Scotch appeals were in the same proportion as those of England, the labours of that as an appellate tribunal would be considerably relieved.

The LORD CHANCELLOR referred to the County Courts to show the extreme advantage of ready justice, and said the reason why so few appeals came from those Courts was attributed by the County Court Judges themselves not to any merits of the tribunal, but to the extreme desire of all persons to settle their business out of hand.

Bill read 1^a; and to be *printed.*

House adjourned at a quarter past
Seven o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 18*th February*, 1870.

MINUTES.]—New Writs Issued—*For* Roxburgh County, *v.* Sir William Scott, baronet, Manor of Northstead; *for* Maidstone, *v.* William Lee, esquire, Chiltern Hundreds.

Select Committee—Abyssinian Expedition, *appointed* and *nominated;* Poor Law (Scotland), *nominated.*

Public Bills—*Ordered—First Reading*—Poor Relief (Metropolis) [36]; Railway Travelling* [37].

Second Reading—East India (Laws and Regulations [27].

Committee — Report — Dissolved Districts and Unions* [17].

Third Reading—Provisional Orders Bills (Committees) * [19], and *passed.*

SOUTH SEA ISLANDERS.—QUESTION.

Mr. P. A. TAYLOR said, he would beg to ask the Under Secretary of State for the Colonies, If he will state what course the Government has taken, or intends to take, in regard to the deportation of South Sea Islanders?

Mr. MONSELL said, he must remind his hon. Friend, in the first place, that a very small proportion of the evils which he wished to remove could be, in any way, attributed to the British colonies. The deportation of which the hon. Gentleman complained was confined chiefly to the Fiji, Samoan, and other islands, and what he had said was confirmed strongly by a charge delivered by the Chief Justice of Sydney, in which he stated that the Government of Queensland had used every endeavour to prevent the evils of deportation. Her Majesty's Government, at the same time, were entirely sensible of their responsibility in this matter. His noble Friend (Earl Granville) had addressed a despatch to the Governor of Queensland, impressing upon him the necessity of controlling in the strictest manner possible all immigration from the South Sea Islands into Queensland, recapitulating the recommendations of the Commission which had sat in Queensland on the Amendment of the Emigration Law, and calling the Governor's attention to the proportion of females to males required to be introduced, and to the necessity of having an emigration agent on board of every ship which brought immigrants from the South Sea Islands. His noble Friend had added that he could not too strongly impress on the Governor the necessity of making such an amendment in the existing Act as would make its working safe, and insure beyond controversy that labourers were not brought into the colony against their will, and that faith should be kept with them as to their agreements. His noble Friend had also transmitted to the Governors of Queensland and the other Australian Colonies the copy of a letter addressed by the Earl of Clarendon to Her Majesty's Consul in Fiji, calling for full and accurate information as to the whole subject, and informing him that any suggestions for placing the trade on a sound footing, or putting an end to it altogether, would be well received by Her Majesty's Government.

Mr. P. A. TAYLOR said, he wished to know whether the regulation as to an emigration agent applied to ships going or returning?

Mr. MONSELL said, he imagined that the Government agent would be on board ship whether going or returning, but that was a matter entirely within the province of the Government of Queensland.

THE FARMER'S ESTATE SOCIETY.

QUESTION.

MR. HENLEY said, that as the right hon. Gentleman the First Lord of the Treasury had been the Chairman of the Private Bill Committee, to which his Question referred, and as it was upon his strong recommendation that the House passed the Bill, he wished to ask, If he can give, or will endeavour to obtain, for the information of the House, any account of what has been done by "The Farmer's Estate Society," incorporated by an Act passed in 1848, to purchase land in Ireland and resell it on credit, if desired, in small quantities? He had not been able to find in the records of Parliament anything about this society further than that in a year or two afterwards they came to Parliament to borrow some money.

MR. GLADSTONE: Sir, it is quite true, as the right hon. Gentleman has said, that I was Chairman of the Private Bill Committee with respect to the Farmer's Estate Society, and I am sorry to add that I have quite lost sight of the body on whose proposals we were then employed. But I entirely agree with the right hon. Gentleman, and I feel obliged to his good memory and discriminating judgment for directing our attention once more to the subject. We will cause particular inquiry to be made in Ireland with respect to the society, and all the information that we can obtain will be laid on the table as soon as we can get it.

UNRESTRICTED COMPETITION IN THE CIVIL SERVICE.—QUESTION.

MR. SINCLAIR AYTOUN said, he would beg to ask the First Lord of the Treasury, Whether he would have any objection to lay upon the Table of the House, before the Motion of the hon. Member for Brighton is debated, Copies of any Treasury Minute that may have been passed on the subject of first appointments to the subordinate offices in the Public Service by unrestricted competition, and of any Correspondence that may have taken place thereon between the Treasury and the Heads of the other Departments?

MR. GLADSTONE: It is quite true, Sir, that the Government are bestowing attention upon this subject, with a view to redeem the pledge given to the House of Commons in the course of the last Session; there has been a Minute of the Treasury circulated on the subject, and certain replies to that Minute have been received; but the Correspondence is incomplete, and I am not sure that the whole of it will be official. All I can say is, that we will give the House the best information in our power when the Correspondence is in a condition to be produced, so as to enable hon. Members to approach the subject with every possible advantage.

TURNPIKE ACCOUNTS.—QUESTION.

MR. HARDCASTLE said, he wished to ask the Under Secretary of State for the Home Department, When the Report and Annual Statement of Turnpike Accounts will be presented to Parliament?

MR. KNATCHBULL-HUGESSEN, in reply, said, that the Report was presented on the 15th of this month, and was now in the hands of the Queen's Printer; and, in a few days, he hoped it would be in the hands of hon. Members. Owing to the attention lately paid to the subject, and to the exertions of Mr. Harrison, the clerk in charge of this department in the Home Office, the Annual Statement of Accounts had been prepared a fortnight earlier than had ever been the case before, and he had been able to present it also on the 15th. How soon it would be in the hands of Members depended upon the printer, and he would endeavour to obtain its completion as soon as possible.

ARMY—SOLDIERS AND THE TELEGRAPHS.—QUESTION.

MR. HANBURY TRACY said, he would beg to ask the Secretary of State for War, Whether it is the intention of the Government to utilize the labour of Soldiers during the time of peace in the construction, maintenance, and working of the Telegraph systems of the country; and whether there are any Soldiers at present trained in Telegraphy, whose services might be thus economically employed?

CAPTAIN VIVIAN said, he was happy to be able to give an answer which he hoped and believed would be entirely satisfactory. About a year ago, when it became evident that the control of the telegraphs of this country would come under Government management, his right hon. Friend the Secretary of State for War put himself in communication with his noble Friend the Postmaster General, for the purpose of discovering how far military labour could be utilized in the maintenance and working of the telegraph system. It was then arranged that employment for somewhere about 100 would be found under the new system. During the last twelve months, 100 soldiers had been undergoing a course of tuition for the purpose of preparing them to perform the duties of the Telegraph Department, and his right hon. Friend was now in communication with the Postmaster General to learn how many men could be ultimately employed in this work, and on what conditions they were to serve.

SAVINGS BANKS SECURITIES.

QUESTION.

Mr. SCOURFIELD said, he would beg to ask Mr. Chancellor of the Exchequer, If he could cause a Return to be made of the exact amount of loss—if any—sustained by the Exchequer from the sale and purchase of Securities in connection with the Savings Banks since the reduction of the rate of interest to three pounds five shillings per centum?

The CHANCELLOR of the EXCHEQUER: There is no objection, Sir, to the production of the Return moved for by my hon. Friend.

INCOME TAX.—QUESTION.

Mr. WHALLEY said, he would beg to ask the Chancellor of the Exchequer, Whether he has any objection to state his intentions with respect to the Income Tax on Trades, Professions, and Employments under Schedule D; and, if not, whether he is prepared to make any, and what, reduction in the assessment of such Tax, and supplying the deficiency by an increase of the Property Tax, in accordance with the numerous Petitions presented to this House to that effect?

The CHANCELLOR of the EXCHEQUER said, he was sorry he must decline to answer that Question. It was part of a subject connected with the general finance of the year, and he would be happy to state his intention when the proper time came. At present it would be quite premature to do so.

Captain Vivian

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL.—QUESTION.

Mr. T. COLLINS said, he would beg to ask the hon. Member for Marylebone, When he intends to proceed with his Bill for Legalizing Marriage with a Deceased Wife's Sister?

Mr. T. CHAMBERS, in reply, said he did not think that the demand for a debate was in the least unreasonable, and he had no reason to dread the result as regarded either the debate or the division. In consequence of an appeal made to him the other day on the part of the right hon. Member for the University of Cambridge (Mr. Walpole) who was absent from the House through domestic affliction, he would postpone the next stage of this Bill till Wednesday, the 27th of April, the first Wednesday after the Recess.

THE RED RIVER SETTLEMENT.

QUESTION.

Mr. MONSELL said, he had an appeal to make to the hon. Member for Falmouth (Mr. R. N. Fowler) who had given notice that on going into Committee of Supply he would put a Question to him respecting the disturbances in this settlement. As negotiations were now going on between the contending parties, which he hoped would soon be brought to a close, he thought it would be injurious to the public interest if there were any discussion at present on the subject. He therefore trusted the hon. Gentleman would postpone his Notice.

Mr. R. N. FOWLER said, after the appeal that had been made to him by the right hon. Gentleman he thought it would be wrong on his part to press the Question. He was very glad to hear that negotiations were going on in a satisfactory manner, and he hoped that when the Government saw no objection to the discussion of that question they would afford due facilities for its being brought fully before the House.

SAVINGS BANKS BILL, &c.—QUESTION.

In an answer to a Question from an Hon. Member,

The CHANCELLOR of the EXCHEQUER said, he would not proceed with this Bill until it had been placed in the hands of hon. Members. For reasons which the House might well imagine, he had not been able to get that Bill forward, and he was afraid all the four Bills were in the same predicament. Therefore, for the convenience of Members, he announced that they would be postponed on Monday night.

MR. CROSS asked when they might expect to have copies of the Savings-Banks Bill in their hands?

THE CHANCELLOR OF THE EXCHEQUER: To-morrow morning, he hoped.

O'DONOVAN ROSSA.—QUESTION.

CAPTAIN WHITE said, he wished to ask the Secretary of State for the Home Department, Whether it is true, as reported in the "Freeman's Journal" and other Irish newspapers, that corporal punishment—namely, flogging—has been inflicted on the person of the convict O'Donovan Rossa within the last month; if so, for what offence; and was it inflicted with the sanction of the Home Secretary?

MR. BRUCE: Sir, the Question has been put to me without notice, but I think I may answer with as much certainty as if I had received notice, that not only not within the last month, but at no period has corporal punishment ever been inflicted on the convict O'Donovan Rossa; nor do I believe that he ever received the slightest punishment beyond his ordinary imprisonment since September, 1868.

PUBLIC PROSECUTOR.—QUESTION.

MR. EYKYN said, he would beg to ask Mr. Attorney General, Whether Her Majesty's Government will bring in a Bill for the appointment of a Public Prosecutor in England?

MR. BRUCE, in reply, said, he was afraid he could hold out no prospect that the Government would bring in a Bill on that important subject this Session.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DIPLOMATIC AND CONSULAR SERVICES.

RESOLUTION.

MR. HOLMS, in rising according to Notice, to call the attention of the House to the present position of Her Majesty's Diplomatic and Consular Services said, that, considering the manner in which the hon. Member for Warrington (Mr. Rylands) had dealt last year with the Diplomatic branch of that subject, his observations would now be mainly directed to the Consular Department. Appreciating very fully the evidence the Government had given of their determination to lay a reforming hand where maladministration or extravagance was found to exist, he trusted that the Committee proposed by the Under Secretary of State for Foreign Affairs would have a far more important result than any that had followed the appointment of previous Committees of Inquiry into that subject. A discussion on the question at present would, he believed, not only lessen the labours of that Committee, but enhance their value. Successive Committees had been appointed, but it was remarkable that there had been no debate on that important Department of the State for more than a quarter of a century, and in point of fact no encouragement had been given to the discussion of the subject. Any remarks which he might make he desired to apply, not to individuals, but to the system. The Consular system as it at present existed was regulated by the action taken by Mr. Canning in 1825. At that period the monopoly of trade in the East so long enjoyed by the Levant Company was transferred from that company to the Government, and at the same time the various Consuls in the Levant were also transferred to the Crown, in whose hands their control and their remuneration had since then remained. At that time Mr. Canning laid down the rule that our Consuls abroad should all be paid direct from the Home Government, and should be non-trading. After a few years' experience it was found that system tended greatly to increase the cost of our Consular Department, and representations were made to the Government to that effect, but it was not till 1833 that any relaxation was made in the rule. The Reformed Parliament then reduced the expense of the Consular Service by from £30,000 to £40,000. The cost of the Service in the year 1834 was £83,300. In 1835 a Committee was appointed to inquire into the state of the Consular Service, and especially into the mode of remunerating

Consuls abroad, and that Committee unhesitatingly condemned the principle laid down by Mr. Canning, and declared that our Consuls should be permitted, at the discretion of the Minister for Foreign Affairs, to trade or not to trade. In 1838 the expenditure on this Department remained much as it was in 1834; but the attention of the country from 1838 to 1848 being engrossed by the great question of Free Trade and withdrawn from financial economy, the result was an enormous increase in our Miscellaneous Estimates. A Committee was then appointed to inquire into those Estimates, and its attention was naturally drawn to the great increase in the charge for the Consular Service, which in 1848 amounted to £123,000, in addition to which £24,000 was required for the services in China and Japan, making the total cost in that year £147,000. The Committee protested against the increase of £4,200 over the Estimate of the preceding year, and that amount was struck off. They also recommended that when the exigencies of trade called for the establishment of new Consulates, investigation should be made into the existing Consulates, to see whether they did not admit of reduction. In 1850, the Committee appointed upon Official Salaries were able to inquire only into the condition of the Diplomatic Service; but they recommended that in the following year an inquiry should be prosecuted into the Consular Service; and if their recommendation had been attended to by the Foreign Office in regard to the Diplomatic Service a saving to the nation up to this time would have been effected of at least £500,000. In 1857-8 another Committee was appointed to inquire into the Consular Service. He must say that that Committee seemed to have been far more moved by the interest of the Consuls abroad than by that of the taxpayers at home. They, however, made several suggestions, which again received little or no attention. In 1859, another Committee was appointed, which also made some most valuable recommendations, but these, in turn, were treated with very little respect by the Foreign Office. The officials of the Foreign Office showed considerable skill in warding off attacks on the present system of diplomacy, from whatever side they came; and there was not much inclination on their part to carry out the improvements recommended by the Committees. The House had acquired abundant information on the subject, and what was now wanted was action. The Committee of 1858 recommended that in future all the fees received by the Consuls should be paid into the Treasury, and that they should instead receive salaries and allowances. In 1858 we paid £15,840 to Consuls in Turkey, and the fees amounted to £8,000 or £10,000 more; but last year there was voted £25,700 by way of salaries, and there was returned to the Treasury on account of fees only £968. In the case of Bucharest, the Earl of Malmesbury, writing before the salary of the Consul at that place was increased, said that for several years the fees had been £220 a-year. Upon this the salary was raised from £900 to £1,000 a year, and there was besides £300 a-year of allowances; last year, however, there was only 40*s.* returned to the Treasury for fees, whilst the allowances voted were £800. In Alexandria the fees had been £1,220, but last year there reached the Treasury only £587; and at Cairo the fees had been £300, whilst the sum paid to the Treasury was but £38. The Consular accounts from many other places indicated a similar extravagance. The Committee, after hearing witness after witness in favour of the plan, recommended that a system of stamps should be adopted, and that the Foreign Office, in conjunction with the Treasury and the Board of Inland Revenue, should devise such a scheme. The scheme, however, never had been devised. It had been found that the present system, as far as the Foreign Office was concerned, was most delusive and unbusinesslike. He would now endeavour to show that the natural and proper position for the Consular Service to occupy was that it should be in close connection with the Board of Trade. If the arrangements of the Consular Service were looked at they would be found to be most unsatisfactory. One set of Consuls corresponded with the Superintendent of Trade, or nearest local authority; another set direct with the Foreign Office; others with the nearest Consul General, *Chargé d'affaires*, or resident Minister; a fourth set corresponded with the Board of Trade; and he believed that there was a fifth class who did not correspond at all. Ever since the passing of the Mercantile Marine Act of 1854 the Board of Trade had to communicate with the Consuls about shipping, but the Board had to send through the Foreign Office, instead of writing direct to the Consuls themselves. Now this circumlocution must cause great waste of time and money, and must necessitate the existence of two staffs of officials, one at Downing Street, and another at the Board of Trade. Before the Committee of 1858 Mr. Hammond stated that the correspondence with the Consuls was chiefly of a commercial character, and that such correspondence was always sent to the Board of Trade, and unless there was some important matter it was sent without his seeing it—what he called important matter related chiefly to shipwrecks. Mr. Ward, who followed him as a witness, said that the proportion of communications that even favoured of a political character was small. From this it seemed clear that the correspondence which went to the Foreign Office should go to the Board of Trade—and, indeed, since the Mercantile Marine Act, certain Consuls, as he had said, must write direct to the Board of Trade. If the exigencies of trade demanded new Consulates, the opinion of the Board of Trade was taken; or if any Consul exceeded his duty, or charged improper fees, recourse was had to the Board of Trade; and, indeed, this Board did everything in reference to Consuls after they were once appointed. It seemed to him that the Board of Trade did all the work, while the Foreign Office had all the patronage of the appointments. While this system remained it would be impossible to have efficient control or proper economy. No doubt the Consuls had political duties; but communications in reference to them could be sent to the Foreign Office, whilst commercial correspondence could go to the Board of Trade. A similar system was already in operation in France, the Netherlands, and the United States. Mr. Ward was of opinion that such a system could be easily carried out here. It would, no doubt, be of great advantage to commerce if Consuls were led to understand that their work should be as little as possible of a political nature. This was the view taken by the Committee of 1857-58, which reported that from the earliest period Consuls had been connected with trade, and though under particular circumstances some Governments might have found it convenient to invest them with diplomatic functions, the commercial interests of the country required that Consuls should be commercial officers occupied in commercial duties alone. It should be remembered that this country was not now in the same relative position to other countries that it was twenty or thirty years ago. Formerly we were far ahead in respect of trade and commerce, but now other nations were nearly abreast of us. To place Consuls in direct communication with the Board of Trade, and to confine their functions to commerce as much as possible, would be quite in accordance with the principles of unity of administration that the Government were carrying out at the Admiralty and the War Office. The cost of the Consular Service in particular countries bore but little relation to the amount of trade done with those countries. In 1868 the total import and export trade of Great Britain amounted to £402,500,000, and last year there was voted for the Consular Service £243,563. That was after deducting £17,888 for fees returned. Of this amount of trade £247,000,000 was done with seven countries, in which the cost of the Consular Service was £32,500, or two-thirds of the entire trade was done at one-seventh of the entire cost. While in 1854 our trade with China amounted to a little more than £10,000,000, at a cost for our Consular Service of £26,400; in 1867, for a trade of only a little over £19,000,000, we paid nearly £136,000 for Consular Service. Let those figures be contrasted with our Consular expenditure in the Netherlands, where, for a trade amounting to £10,000,000 more than that with China, we only paid £1,500. The cost of the United States Consular Service in China, with a trade only second to our own, was only about £12,000 per annum. But if the case of China was bad, the case of Siam was far worse. Our trade with Siam had averaged for the last five years £10,500 exports and £12,000 imports — excepting one year, when the amount was greater by £115,000, the value of rice exported in consequence of the famine in India—and the expense of the Consular Service was from £4,000 to £5,000 per annum. But last year, with a trade of £3,072 with that place, we expended no less than £3,450, being more than the whole value of our trade with that country. The Service in Tripoli, again, cost us £1,766 last year, although for five years we had not traded with that place to the value of a penny, except in 1867, when we dealt with it to the extent of about £8,000; and it would be found that our Consulates in Morocco stood in a similar position. The Committee of 1859 had recommended that the Consulates in Morocco should be closely watched, and that before any vacancy was filled up inquiries should be made as to whether the expected advantage had been derived from these particular Consulates. But since 1859 all these Consulates had been vacant, and all the vacancies, with the exception of one very insignificant one, had been filled up, although our trade with that country had in no degree increased. The expenses were now nearly £500 more than they amounted to when the Committee made that very proper suggestion. He would next take the case of Greece. We expended upon our Diplomatic and Consular Services in that country about £10,000 per annum, being nearly the one-fourth part of the whole cost of the Civil Service of that kingdom, our Ambassador receiving ten times and one of our Consuls three times the salary of the Greek Minister for Foreign Affairs. On the other hand, in America, with a trade, in 1868, of £66,000,000—nearly double that with any other nation—we only expended £6,500 upon our Consular Service, and this result was chiefly owing to the fact that the American nation conducted its Consular affairs in a practical, business-like, and economical manner. He had it upon authority that the Consular Service in America cost that country nothing at all—that was to say, it paid its own expenses entirely. The number of paid Consuls employed by that nation was 120, but they paid more fees into the Exchequer than sufficed to pay the whole of their salaries. If we were to follow the American example, and pay only 120, as was recommended by the Committee of 1859, we could save at least £100,000 per annum in our Consular Department, while its efficiency would be materially increased, the American Government having 600 representatives throughout the world, whereas we had only 430. Having investigated the subject carefully, and without any preconceived notions, he had arrived at the conclusion that the Service would be conducted far more economically and more efficiently if it was transferred from the Foreign Office to the Board of Trade. He had said nothing of the Diplomatic Service, and for this reason—if the control of the Consular Department was removed from the Foreign Office to the Board of Trade the breezes of public opinion would pass through the Foreign Office, and a reform in the Diplomatic Department would become inevitable. He was no advocate for a mean and parsimonious economy, on the contrary, he advocated the liberal payment of our public servants wherever there was work for them; but he was strongly opposed to the maintenance of a whole regiment of paid Consuls, some of whom were entirely useless; and he believed that in many places merchants of high standing would be willing to discharge the light duties attaching to Consulships in consideration merely of the honour of serving Her Majesty. He was afraid that some useless and expensive Consulates were maintained chiefly for the patronage afforded by their existence; no Ministry had yet been proof against the temptation which vacancies presented of offering appointments to their supporters. But surely the time was drawing to an end when an Administration required that sort of support, and the time coming when Governments would feel that they might rest their popularity upon a wider foundation. Not a reform of an abuse was effected without the fact reaching the ears of the people and calling forth their gratitude; and in this way strength and honour would be conferred upon the Minister who effected it. The hon. Member concluded by moving his Resolution.

Mr. EASTWICK rose to second the Motion. In doing so, however, he must be allowed to say that he restricted his support of the Resolutions to the second, and even as to that he must make a limitation. He would limit the transfer to Consulates at ports either on the seacoast or on great navigable rivers. Consulates in the interior of countries were comparatively very few in number, and the officers employed there had, most of them, more or less of political duties to attend to, and on that account, and for other reasons which he should mention presently, he thought they ought to be retained under the Foreign Office. He supported the transfer of the other Consulates—that was of the Consular Service properly so called —to the Board of Trade, first, on the grounds of general public convenience and utility, and secondly, because he believed this measure would be advantageous both to the Diplomatic and to the Consular Service, and would render the members of those Services more contented and efficient. It was, of course, supposable that the transfer of a Department from one great office of the State to another, though desirable on public grounds, might be prejudicial to the private interests of the officers of that Department. In making the change now advocated, he imagined there was nothing of that sort to be apprehended, but quite the reverse. He presumed it was for the advantage of the public that a Department should be placed where its work could be done as directly and with as little reference to other offices as possible, because references implied correspondence, and correspondence implied delay. That being so, there was *primâ facie* evidence, from the nature of their duties, that Consuls ought to be under the Board of Trade. Those duties had been classed in the Report of 1858, on Mr. Murray's plan for the revision of Consular fees, under three heads—the notarial, shipping, and State duties. Now, no one could contend that the Foreign Office had any direct connection with notaries and shipping; but the Board of Trade had. There remained the State duties, and what were they? A long list was given of them, but the words trade, commerce, or shipping, occur in almost every line. The only one of those duties which could possibly be twisted into direct connection with the Foreign Office was thus described—

> "Jealously to guard against any infringement being made in our existing treaties by the authorities of the place to which the Consul is appointed to the prejudice of our trade and navigation."

But Mr. Hammond stated that the Consul could not make any communication on these matters, or, indeed, on any other matter, to a foreign Government, and could address the local authorities only, and even with them must avoid all political discussion; and if he could not settle the matter with them *à l'amiable* he must content himself with reporting what had occurred. His report, then, in such exceptional cases might be a duplicate one, and might be made to the British diplomatic officer at the capital of the foreign Government, and through the Board of Trade to the Foreign Office. But from Lord Clarendon's circular, of the 24th of February, 1857, it would seem to be the duty rather of the Secretary of Legation than of the Consul to report such matters as infringements of treaties. After referring to the Consular Reports as of a local character, the circular went on to say—

> "Her Majesty's diplomatic servants residing at the capital have opportunities of ascertaining the grounds on which legislative interference with the course of trade is resorted to, and the effect which such interference is calculated to have, not only on local or general interests in the countries themselves, but also on the commercial relations of those countries with foreign nations."

He maintained, then, that nothing in the duties of Consuls made it advisable to continue them under the Foreign Office, but that there was evidence from the nature of those duties that they should be under the Board of Trade. He believed the whole of their work, at least of Consuls at ports, had reference to commercial matters; but, admitting only three-fourths of it to be of such a character, it was quite clear many delays and references would be saved if they were under the Board.

But there were other and stronger grounds for the transfer. It appeared from the statements of Mr. Hammond himself, in his evidence before the Committee of 1858, that there was a distinct line of demarcation between the Consular and Diplomatic Services. Mr. Hammond said—

> "The Consul cannot communicate directly with the Government of the country in which he resides, unless he is *Chargé d'affaires* and Consul General (that is, unless he is a diplomatic officer). If a foreign Consul were to address the Secretary of State we should not answer him, but we should answer his Minister. If it happened frequently we should give him a hint that it was not a Consul's business to communicate with us."

Here, then, the line was distinctly drawn between the two Services, and the reason of this was most judiciously stated by Mr. Hammond, when he said—

> "My opinion is this, that if the Consular Body were to look to diplomatic employment, the tendency would be to make them think political business of more importance than Consular, and that they would be induced to seek to get a reputation for adroitly managing political questions—and we may guess what that would lead to—instead of confining themselves strictly to Consular duties."

Unfortunately, since those words were uttered events had happened which rendered it no longer matter of conjecture, but of certainty, what results accrued from a Consular officer, with the best possible intentions no doubt, going out of his province, and proceeding into the interior of the country to which he was accredited, for the purpose of discharging diplomatic functions. The Abyssinian difficulty had cost us a sum which would have defrayed the whole expenditure on the Diplomatic and Consular Services for many years, and was an example of the danger of not keeping the Services separate. This was a case in which the danger had clothed itself with such reality that no one could close his eyes to it. But how often had it happened that the political aspirations of Consuls had brought us to the very verge of war. To use the words of Sir Henry Rawlinson before the Committee of 1858, "the interference of Consuls has become a byword." He (Mr. Eastwick) contended, therefore, that the only way of effectually shutting out those dangers was to relegate the Consuls to those peaceful occupations which were their proper sphere, and make them subordinate to the Board of Trade, which was by its very nature opposed to war. This was the sole means of securing their undivided attention to their proper duties, for if they were placed under the same roof with diplomacy, and if their proceedings were shrouded from publicity by holding over them the impenetrable ægis of the Foreign Office, we should assuredly at no very distant period be suddenly called upon to deal with a fresh brood of troubles hatched in China or Japan, or some other unlooked-for quarter by the warmth of Consular zeal. But supposing the transfer to be made, how would it affect the Diplomatic and Consular Services? He believed the separation would be beneficial to both. Each would become a distinct and independent Service, and would, therefore, be less exposed to invasion by gentlemen brought from other professions. The Diplomatic Service would be especially the gainer by being kept distinct from the Consular, for it was very much owing to the intrusions of Consular officers into the higher ranks of the Diplomatic Service that this latter Service was in its present overcrowded state. It appeared that from 1858 to 1868 there had been only twenty vacancies in the rank of Minister or *Chargé d'affaires*, and seven of those vacancies had been filled up by Consuls. The result was that the senior diplomatic officer in each of the lower grades had been about ten years in his present rank. Consequently, any diplomatic officer entering the service now would, in the ordinary course of things, have to wait more than thirty years before he could be a Minister. Now, when it was considered how far more rapid promotion used to be—that Sir Henry Bulwer and Sir James Hudson were Ministers in twelve years, Sir Hamilton Seymour in seven, and Lord Stratford de Redcliffe in less than five—it was no wonder that there should be some dissatisfaction felt at the difference. Now, by means of this transfer, the plethora in the Diplomatic Service might, it appeared to him, be removed. The Consuls General in South America, who were really diplomatic officers and Ministers in all but name, might, without any additional expense to the public, except for their pensions on retirement, be raised at once to the rank of Minister. In case of their absence, instead of sending up a Consul from a distant port to act for them, it would be a very beneficial step to provide them with a *chancelier* or *archiviste,* who might be an *attaché*, and in some cases succeed, if his length of service entitled him, to the post upon a vacancy occurring. Consulates in the interior of countries might be held in future by junior officers of the Diplomatic Service, and their direct subordination to the Minister or Ambassador would be a salutary check upon overzeal. At the same time, in such posts they would discharge duties which would fit them for promotion, and which would be a great deal more interesting than copying despatches at head-quarters. In point of fact, junior diplomatic officers did, as he knew from experience, now often act for Consuls, and he was not aware of any objection to the expransion of such a system. The transfer, therefore, might be made extremely beneficial to the Diplomatic Service, and he thought it would be also beneficial to the Consular Service, particularly if the appointments were thrown open to competition. The standard of examination might be raised very considerably, and at the same time a class of men would join the Service who would be content with the certainly very moderate salaries given to Consular officers. There would be a few prizes in the Service, such as the Consul Generalship at Odessa; and if it were found necessary to make the Service more attractive, that could be done, and done, he thought, very properly, by shortening the term of service for pension. It was with these views that he had risen to support the Motion of the hon. Member (Mr. Holms). He looked more to the efficiency of the Services than to economical advantages, and he thought the extreme importance of the duties which both Services had to perform justified this mode of regarding the matter.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the expenditure upon the Diplomatic and Consular Services may be reduced, and it is expedient for the promotion of efficiency and economy to transfer the control of the Consular Department from the Foreign Office to the Board of Trade,"—(*Mr. Holms,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. SHAW said, he was of opinion that the best course to pursue would be to refer the whole question to the consideration of a Select Committee, as Her Majesty's Government had proposed to do the other night. The hon. Member for Hackney (Mr. Holms), however, asserted that the House already possessed sufficient information on the subject, and asked it to pass a Resolution—

"That it is expedient for the promotion of efficiency and economy to transfer the control of the Consular Department from the Foreign Office to the Board of Trade."

Now, it appeared to him that there were two objections to the course proposed by the hon. Gentleman. If the House adopted the Motion they would be acting most unfairly to Her Majesty's Government, who had evinced, both in the last and the present Session, a disposition to aid the House in obtaining a thorough and complete investigation of the subject, the Under Secretary for Foreign Affairs having moved on Monday last for the appointment of a Committee to inquire into the constitution of the Diplomatic and Consular Departments. A still more serious objection might be urged against the Motion, which he could not help thinking asked the House to do too much. It asked them to pass, after a very short debate, and when there was but a small attendance of Members, an abstract Resolution transferring the Consular Department from the Foreign Office to the Board of Trade. Now, if the only question respecting the Consular Department were the mere question of transfer he should unhesitatingly say that the House was as competent to deal with it as a Committee upstairs; but there were other matters affecting the Department which also required discussion and investigation. For instance, there was the question as to whether our Consuls should be paid by fees or salaries, or partly by fees and partly by salaries. Again, there was the question whether the present fees as regulated by Act of Parliament were adequate for the services rendered, and whether we ought to adopt to a greater extent the American system, which was self-supporting. There was also the question whether we should allow our Consuls to receive the fees in coin, or substitute the use of stamps. At present we had not the slightest check on the Consular establishments, and it was a remarkable fact that the whole of the Consulate fees returned into the Exchequer were less than £20,000. He was strongly of opinion that the wisest course would be to refer the whole subject to a Committee.

MR. OTWAY said, he must admit the hon. Member for Hackney (Mr. Holms) had with great care collected the materials for his speech, but he could not agree with all the statements it contained. He would remind the House of the course taken by the Government on that question. Towards the close of last Session on the discussion of the Civil Service Estimates, the hon. Member for Warrington (Mr. Rylands) made a very effective speech, and after a short debate, a division was taken on a Motion made by him for the reduction of the diplomatic expenditure to the amount of £10,000. The opinion of the House was so equally balanced that if it had not been for the judgment of the Chairman, those on whom the responsibility of the expenditure lay would have found themselves in a minority. In consequence of that proceeding the attention of the

Foreign Department was directed, as indeed it ought to be, to the opinion manifested by the House of Commons; and on that occasion, as representing the Department, he informed the hon. Member for Warrington that the allegations he had made should receive a complete investigation by a Committee to be appointed for that purpose. The Government, having decided upon that step, thought the best course to pursue was to propose a Committee on their own responsibility. Accordingly, on Monday evening last, a Committee, having power to inquire into all the circumstances just touched upon by hon. Members, was appointed by the House without anyone dissenting from the proposal. He must say, therefore, that if the present Motion required to be made at all, it ought to have been brought forward on that occasion, and not by way of an Amendment to the Motion that the Speaker do leave the Chair. He trusted the hon. Member would not go to a division, but if he should do so those who thought the cost of the Diplomatic Service ought to be reduced, might, without sacrifice of principle, vote against the hon. Member's proposal. When they negatived the Motion of the hon. Member they would not be affirming the negativing of his proposition, but simply that the Speaker should leave the Chair. These were just the very questions that it would be the duty of the Committee to inquire into, and, as he believed that its Members were fully competent to deal with the matter, he would not on this occasion say whether he agreed or whether he disagreed with the hon. Member on the question of expenditure. Upon that branch of the subject he would, however, remark that, whatever opinion the hon. Member might have formed of the extravagant action or intentions of the Foreign Office, it was incontrovertible that the sum expended for Diplomatic salaries and pensions had not increased since the time it was originally fixed—as he believed some thirty or forty years ago. With regard to the Consular expenditure, there had, no doubt, been an increase; but the hon. Member had himself assigned sufficient cause for the increase when he alluded to the vast increase which there had been of late years in the trade of this country. In China and Japan, too, we formerly had no Consuls, and he could not help stating that his hon. Friend had upon this matter made use of an argument which was calculated to mislead the House, because his hon. Friend instituted a comparison between our Consular expenditure in China and that of the United States; the United States, as he said, ranking second only to ourselves in the amount of their trade with that country. It was perfectly true that the United States did come next to ourselves, but his hon. Friend ought to have shown the great distance which existed between the respective trades of the two countries with China, and unless he did so his statement was calculated to lead to misconception. An idea that there was a complete difference between Consular and Diplomatic functions appeared to underlie all the arguments used by both his hon. Friend and the hon. Member for Falmouth (Mr. Eastwick) who had followed him; but he would be a clever man who could tell where in the conduct of Consular functions a matter ceased to belong to the province of commerce and to enter that of diplomacy. There was hardly a single question a Consul had to treat that might not become a question of diplomacy. The functions of a Consul in any seaport town were not confined to trade, but extended to many other matters, such, for instance, as the intestacy of British subjects, and if we had our Consuls acting under the Board of Trade, but receiving their instructions from the British Minister, who acted under the Foreign Department alone, the result would inevitably be complications and conflicts of authority, leading frequently to other and considerable evils. And he must say when an hon. Member proposed by an abstract Resolution to make a change of this magnitude he ought to adduce some strong reasons in support of the change. If there had been any complaint of the hindrance to trade from the action of the Foreign Office, the hon. Gentleman might be able to assign some cause for the adoption of the course he suggested; but none had been cited, and, so far as he was aware, none existed. The delay to which his hon. Friend opposite (Mr. Eastwick) had alluded had no existence, except in his hon. Friend's imagination. Communications between the Foreign Office and the Board of Trade were constant, and were always personal where the subject required it. He believed that, under these circumstances, it would be very unwise and very unusual if the House were, by acceding to his hon. Friend's Motion, to interfere with the province of a Committee who were appointed to investigate into this and other matters, and respecting whose competence to deal with the question there could be no doubt. He would suggest that the better course would be for his hon. Friend to withdraw his Motion.

MR. SOMERSET BEAUMONT said, he was disposed to agree with the hon. Member for Hackney (Mr. Holms), that this was not a subject for a Committee. He had given a good deal of attention to the subject, and he believed that ample materials for legislation on this subject had been collected by former Committees. They had the evidence of that great authority, Mr. Hammond. He could not, however, help feeling that the House, or rather a portion of the House and the country were not always very fair towards the Diplomatic Service, for it was to that Service that the Liberals looked whenever they were in want of a grievance. Our Diplomatic Service was in this position—that it was asked to perform duties which did not require to be performed. He believed, for instance, that if the whole system of diplomacy, as far as Western Europe was concerned, were done away with, and we had no permanent representative at the Courts of Western Europe, our peaceable relations with Continental States would suffer no interruption, and our commercial interests would be as well looked after as they now were. It was not exactly fair to institute comparisons between the Service of this country and that of the United States, because the English Service was a profession while that of the United States was not. In America men were appointed on account of their eminence, generally with every change of Presidents, and not because they had been so long in the Service. If there was any complaint to be made with regard to Diplomacy it was not with reference to our Consular servants abroad, but it arose from a certain helplessness on the part of the Foreign Office to re-adjust the Diplomatic Service in the country to our changing wants. We kept, for instance, Consuls at many places were they were not required, and appointed none in others where their services would be useful. For instance, we had no Consul at Pesth. He believed, however, in opposition to what had been observed in the course of the debate, that the duties of our Consuls were in many instances more of a political than of a commercial character; and that was so especially in the case of Bucharest, Warsaw, and China. He could not agree with the hon. Member that sufficient reason had been given for putting the Consuls under the Board of Trade rather than the Foreign Office. Under all the circumstances of the case he hoped the hon. Gentleman would not press the Motion to a division, as the discussion which he had raised would be more likely than the appointment of a Committee to lead to practical results.

MR. KINNAIRD said, he hoped his hon. Friend (Mr. Holms) would not be discouraged by the reception which his Motion had met with. His speech was an able one, and no Member could regret that he had ventilated the question. He was not surprised, watching the course of public events, that his hon. Friend had no confidence in Committees, which were too often only made the means of shelving a question. An experience of some years in the House had led him to that conclusion. What really might be of use would be that the question should be thoroughly investigated by responsible officers of the Government. So that while recommending the withdrawal of the Motion, he would urge the Government to give full attention to the subject. His hon. Friend (Mr. Otway) had said that this question would come before a Committee. It had been before a Committee, and he quite admitted that it was not so easy of solution as to be settled by a short debate in that House. For instance, whether Consuls should be paid by fees or by salary had occupied the attention of a Committee for a long time, and he did not think that the Foreign Office had come to any definite conclusion as to which would be most conducive to the interests of the country. Certainly the China and Japan trade had made such advances that it ought to be able to pay the Consular Service out of fees. But, on the other hand, in such a country as France, no fees were paid at all. And, again, the payment of fees was a heavy tax, and evidence had been brought before the Committee showing the high fees which our merchant service paid, when no fees were paid by the subjects of other countries. He would urge his hon. Friend not to lose sight of this question, but to bring it periodically before the House till a change was made for the better.

Amendment, by leave, *withdrawn.*

TURNPIKE TOLLS.—RESOLUTION.

MR. WHALLEY, in rising to call attention to the Petition of the Wrexham Highway Board and Board of Guardians against the re-imposition of the Turnpike Toll Tax in that district; and to make a Motion; and, with reference to the statement on the part of the Government touching the necessity that requires the introduction of the annual Continuance Bill, to move for Copy of any Correspondence or other Documents explanatory of the necessity for the annual Continuance Bill, either generally as to all expired Turnpike Acts, or specially as to those relating to the Wrexham district, said, the Government was hardly aware of the way in which the country regarded this question. He earnestly appealed to them to give their serious attention to this subject. Repeated promises had been given by the Government to deal with this question, but they had never been performed. The object of his Motion was to get from the Government some intelligible statement of what they intended to do. There was no reason why four-fifths of the turnpikes in the country should not be abolished. When a new turnpike road was cut, Parliament gave the trustees power to levy tolls for a certain number of years, and at the expiration of that period the tolls ought to cease. The practice, however, had been for years to bring in, at the end of every Session, when there was no possibility of obtaining a discussion, a Bill called the Turnpike Acts Continuance Bill; no one paid any attention to it, and it was regarded, and had been regarded for many years, as a mere formal renewal of Turnpike Acts that had expired. In that Bill was involved, he ventured to say, a greater breach of faith between Parliament and the public, and a much greater violation of all that was regarded as constitutional in the way of taxation, than in any Bill that had, under any circumstances, ever passed the House. To justify so strong an observation, he would refer to an observation that had been made by the late Sir George Lewis when sitting on that Bench—

> "It is true," said Sir George Lewis, "that my countrymen in South Wales did rise, the Rebecca riots did occur, and the turnpike gates were annihilated in defiance of law, and of this Continuance Act. But I say such is the phlegm of this House, such their indifference, such the difficulty in dealing with the question, that I see no other remedy that the public have than that they should in every respect take the law into their own hands as they did in South Wales."

Now, what was the hardship complained of? Simply this—that in the case of at least four-fifths of the existing turnpikes which now taxed every person that travelled the country this taxation was continued in violation of a distinct Parliamentary contract between the public and the persons who had made those roads. The two parties affected were, first, those on whom the tax was levied for the repair of the highways, through the turnpikes becoming highways; and, secondly, those persons who held turnpike bonds. Some turnpikes had no debt upon them, in which case one party only would be affected—namely, those who had to provide by rate for the repair of the roads. He contended that it was clear, with respect to turnpikes which were still burdened with debt, that if there was obligation upon anyone to pay off this debt, but which he did not admit, that the Government, were bound to pay off the debt, and so relieve the public in the several districts of the country from the operation and injustice of the toll tax. With regard to the other party affected—the ratepayers for the repair of the roads—he called the attention of the House to the complaint from the Wrexham Highway Board and the Wrexham Board of Guardians. The Petition, in each of these cases for the abolition of turnpikes, was a unanimous one from the members of the respective Boards; and to the same Petition assent had been received from numerous other Boards throughout the country. He now asked whether it was not high time that some pressure should be brought to bear upon the Government, with a view to the Government taking action in the matter. He had himself from time to time brought in a Bill by which, without presuming absolutely to do away with turnpikes, he proposed to afford facilities for all parties interested in that matter to make arrangements between themselves or to come to that House, as the Wrexham Boards had done, for the abolition of turnpikes. He had, from year to year, withdrawn his Bill upon receiving more or less distinct promises from the Treasury Bench that the subject would be dealt with in a comprehensive manner. He asked what excuse the Government had to offer for the continuance of that most obnoxious of all taxes and most wrongful system. The Under Secretary of State for the Home Department said the Annual Turnpike Acts Continuance Bills were necessary in order to prevent injustice to individuals; but, having paid much attention to the subject, he was not aware of the slightest injustice to any single person that would result from allowing those turnpikes to drop out of existence in accordance with the compact entered into with Parliament. If there were really any cases of injustice, let them be fully stated; and he called on the Under Secretary of State to give some explanation why the Government did not, in compliance with repeated promises, deal with the matter. The hon. Member concluded by moving his Resolution.

MR. OSBORNE MORGAN, in seconding the Motion, said, he hoped the Government would see their way, if not in the present Session, at some early future period, to introduce a measure for doing away altogether with the antiquated turnpike system, than which it would be impossible to devise anything more inconvenient, unequal, or unjust. This was not a mere local question, but was of Imperial magnitude, and should be treated accordingly.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of any Correspondence or other Documents explanatory of the necessity for the annual Turnpike Acts Continuance Bill, either generally as to all expired Turnpike Acts, or specially as to those relating to the Wrexham district,"—(*Mr. Whalley,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KNATCHBULL-HUGESSEN said, he was not disposed to underrate the importance of the subject, and as evidence of this he had previously introduced, as an independent Member, two Bills which had for their object the abolition of the turnpike system; and he still believed that its abolition was simply a question of time, and that the Government would arrive ultimately at a uniform system of road management throughout the country. The House would scarcely expect him at that time, nor would it be right for him, to enter into the question of road management or into the question of turnpikes, and he would therefore simply amplify or render more lucid the answer which he had given a night or two back on the same question. The Petition of the Wrexham Highway Board was somewhat remarkable, because it expressed a desire on the part of the ratepayers to take charge of these roads, whereas the complaint against his proposal in past years was, mainly, that he wished to cast fresh burdens upon the rates. He was glad to hear that the people of North Wales were not showing their animosity against turnpikes after the "Rebecca" fashion, alluded to by the right hon. Gentleman, but that they were now willing to abolish them on the only condition on which they could be abolished—namely, that the expense of maintaining the roads should be defrayed out of the rates. The case of the Wrexham Boards was undoubtedly a hard one, so far as he could ascertain its merits, that district being evidently much oppressed with turnpikes; but his hon. Friend must consider that the Government had to deal, not with any isolated case, or with one isolated trust, but with a great variety of trusts and a large number of cases. The Continuance Bill would not, as the hon. Member had said, apply to four-fifths of the turnpikes of the kingdom, but to one-half of them. His hon. Friend recommended that all these trusts should be abolished. What would happen if they were? These trusts divided themselves into two classes — those in debt and those out of debt. With regard to the trusts out of debt, a Committee of that House was appointed last year, on his (Mr. Knatchbull-Hugessen's) Motion, to deal with them. The Committee bestowed great attention on the subject, and recommended that some of them, the Acts for which had expired, should be abolished during the present year—and they now stood for abolition —and that some should stand over for a further period and for further consideration. That showed the difficulty which existed in the minds of the Committee with regard to trusts out of debt. As to those that were in debt, greater difficulty was presented, for whereas in abolishing any one trust it was constantly found that the co-existence of other trusts—which could not be abolished—side by side with the abolished trust diverted the natural course of traffic, and inflicted an injury upon ratepayers, in the case of trusts still in debt an additional element of confusion was imported in the varying circumstances of the different trusts, and the fluctuating value of the debt, while this sudden abolition would inflict a great hardship upon the bondholders. The question of dealing simultaneously with the turnpike trusts had been deferred from year to year, and with every year as the trusts expired the difficulties in the way of dealing with the subject greatly lessened. He might also add that the question had always been narrowly watched, and that every year since he had the honour of holding the office he now occupied he had been instrumental in abolishing a considerable number of the trusts. His attention would in due course be turned to the case which the hon. Member had brought under their attention; although, he must add that there had been no complaints from the trustees themselves. Any simultaneous abolition that might take place would be fraught with injustice unless it were part of a general measure. With regard to correspondence on the subject of the Continuance Bill, he was not aware that any such existed; but if his hon. Friend would point out any letter or paper in the Home Office which would in any way throw light on the particular case of Wrexham, or which would be conducive to the ultimate settlement of the general question, he was not aware of any objection to the production of such document. With respect to any promise to which the hon. Member had alluded, he wished to observe that neither the Secretary of State for the Home Department nor as far as he was aware anyone connected with the Home Office had ever pledged himself to introduce a Bill on the subject during the present Session. The promise which had been given was that the subject would be fully considered, and if the pressure of business would permit the Government would proceed to legislate upon the matter either during this or in some future Session. It would be a very happy day for him when he could introduce a Bill, with the support of the Government, to settle the road question in a manner satisfactory to the hon. Gentleman and others interested in the subject.

Amendment and Original Question, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

EAST INDIA (LAWS AND REGULATIONS) BILL.—[BILL 27.]

(*Mr. Grant Duff, Mr. Adam.*)

SECOND READING.

Order for Second Reading read.

MR. GRANT DUFF said, that the Bill which he was going to ask the House to read a second time was in its main features an old friend, for it made considerable progress both under the late and the present Government, and it was only stopped by want of time, both in the Session of 1868 and last year. It appeared now in a somewhat modified form, because the Government wished, as far as possible, to meet the views of various hon. Members interested in India, who had communicated with his noble Friend the Secretary of State and with himself about it; and the Government were now extremely anxious that if it were the will of Parliament, it might become law as quickly as possible, because they were being very much pressed from India to have it passed as soon as they could. Its principal objects were four in number — First, to effect a better distribution of business between the Legislative and the Executive Councils of the Governor General; secondly, to raise in an important particular the position of the high officers known as Chief Commissioners; thirdly, to give Parliamentary sanction to a procedure in the Executive Council which had long been customary, but had never been actually prescribed; fourthly, to afford facilities for the admission of native Indian subjects of Her Majesty to posts in their own country which had hitherto been closed to them. The first of these objects was carried out by Clauses 1 and 2, and in order to make their drift intelligible but few words of explanation were necessary. The Governor General was *ex officio* President of two bodies—first, the Supreme Council, which consisted of himself and six other members, all chosen, like himself, for the express purpose of governing, or assisting to govern, the Indian Empire; and, secondly, a body consisting of this same supreme governing or executive Council, *plus* not fewer than six nor more than twelve additional members, nominated by the Governor General, for the purpose of constituting his Council for the making of laws and regulations, and commonly known as the Legislative Council of India. This last body was called into existence by Parliament in the year 1861. Its primary object was to enact laws of a general character for the whole of India, and its members were chosen, and are chosen, chiefly for the purpose of bringing as many cross lights of experience as possible to bear upon the great general questions of legislation which affect the whole of India; to take care, for example, that when a Bill is being considered relating to one of the great heads of law, there might be some persons to say, "Such and such provisions which are proposed will not precisely suit the case of this or that great province, or this or that great interest." This, he said, was the primary object of adding to the Executive Council when sitting for the purpose of making laws and regulations from six to twelve nominees of the Governor General, and this primary object had been, on the whole, extremely well fulfilled. They had every reason to be satisfied with the success of this part of the experiment of 1861. Parliament, however, while providing for the general legislation of India, was not unmindful that a great deal of local legislation would be wanted for the various provinces of India; and so it established in Madras and Bombay local Legislative Councils for those Presidencies, formed after the model of the Governor General's Legislative Council, and it enabled the Governor General to call into existence local Legislative Councils for the great provinces of Bengal, of the North-West, and of the Punjaub. The Governor General acted on this authority, and did call into existence a local Legislative Council for Bengal, but no Governor General had yet seen his way to call into existence local Legislative Councils for the North-West Provinces or for the Punjaub. The materials, in fact, for such Councils did not yet exist, and Parliament never gave him power to create local Legislative Councils for Oudh, for the Central Provinces, or for Burmah. One of the consequences of the non-existence of local Legislative Councils for any one of the eight provinces, except Madras, Bombay, and Bengal, was that the unhappy Legislative Council of the Governor General had thrown upon its shoulders, in addition to its own proper work, the whole of the local legislation of five out of the eight provinces of India. Perhaps he could make the state of affairs most intelligible by an illustration taken from Europe. The position of the Legislative Council of the Governor General was very much this—Imagine a large Select Committee of this House sitting half the year at Dantzic and the other half of the year at the Baths of Lucca, and charged in addition to all its other work—that work being, so far as its principal members were concerned about as hard as the ordinary work of Cabinet Ministers in this country—primarily with the duty of making general laws for the whole of Europe except Russia, and secondarily with the duty of doing the whole of the local legislation required for the following countries:—First, for Great Britain, which is about equal in size to the North-West Provinces; secondly, for the kingdom of Italy, which is about the size of the Punjaub; thirdly, for Belgium and Holland, which might stand for Oudh; fourthly, for Prussia, as she was before the events of 1866, which might be taken very roughly to represent the Central Provinces, though these were considerably larger; and lastly, for Norway, which, also roughly, might stand for Burmah, which huge country, be it remembered, was only accidentally connected with India at all, inhabited as it was by a people differing from the natives of India in race, in manners, in religion—in short in almost every way in which men can differ. The mere mention of such a mass of duties would, he was sure, excite compassion in the minds of hon. Members, already disposed to sympathy by the terrible prospects which were before them for this Session; and they would, he was inclined to think, blame him, not for proposing too much, but for proposing too little, when he told them that all he asked them to do was to relieve the

Legislative Council of the Governor General of a mere fraction of this local legislative business. It would, no doubt, have been very desirable to relieve it of more, but for the present the thing was out of the question. It must continue to bear most of its burden till local Legislative Councils could be created in other provinces. The portion of its work, of which it was wished to relieve the Legislative Council, was a kind of work which was not, properly speaking, legislative at all. It was the making of regulations for certain districts of India, which were scattered up and down chiefly in our newly-acquired provinces, and which were not nearly up in point of civilization to the ordinary level of Indian society, to which, in fact, the legislation that was beneficent, say, for example, in Lower Bengal, was just about as applicable as the legislation which was good for Surrey, as Surrey is in the year 1870, would have been to Lochaber or Strathspey in the year 1570. He would continue his illustration from Europe. Suppose there were no Parliamentary institutions in this quarter of the globe, and that all Europe outside Russia was legislated for by a large Select Committee of that House, sitting half the year at Dantzic and half the year at the Baths of Lucca. What it was proposed to enact was that some of the wilder parts of European Turkey, and some of the most brigand-haunted corners of Greece, and some of the more dangerous bits of the Abruzzi, and certain portions of the island of Corsica should not have applied to them precisely the same slow and refined processes of legislation that were thought desirable for Kent, for Normandy, and for the Mark of Brandenburg. The Government proposal was simply this, that the Secretary of State in Council should have power to name certain districts in India to which he thought the ordinary processes of legislation not wholly applicable, and that when he had done so the great officers in India who had the charge of the provinces in which these districts lie should have the power of proposing to the Governor General drafts of regulations for those districts, and that the Governor General should in his turn have the power of enacting, subject to the revision of the Home authorities, these regulations by and with the advice of his Executive or Governing Council, and without calling in the assistance of the nominees whom he had appointed to help him and his Executive Council in a totally different class of business. The chief advantages which the Government expected to gain, if the House agreed to their view, were these — First, they would relieve the Legislative Council of that portion of its work for which it was least fitted, and so give it more time for that portion of its work for which it was most fitted; secondly, they would avoid the appearance of making everlasting changes in Indian legislation—changes which had a very bad effect upon the native and even upon the European mind, for did they not continually hear it said that we had a great deal too much legislation on our Indian statute book, the fact being that we had very little legislation, properly so called, on our statute book, but that, from the awkwardness of the present machinery, we were obliged to do a thousand things, by a sort of quasi-legislation in the Legislative Council of India, which ought to be done by local Legislative Councils, if only we had the materials for them, or in default of these materials, by the Executive Government; thirdly, under the process which the Government proposed, they looked for increased expedition, which was often very important in dealing with wild and lawless districts; and fourthly, they looked for greater secresy, which, in dealing with such districts, was, he need not say, often quite as important. Some persons had praised the Government and some had blamed them for tending by these clauses towards a more despotic ideal of government in India; but they deserved neither the praise nor the blame, for they were doing nothing of the kind. They were simply altering a clumsy expedient for a more convenient one, and when the day came that something better could be substituted for the present convenient expedient they heartily hoped that it might be substituted. They accepted the phrase that Asiatics should be governed Asiatically, considered as a truism, but they did not accept it considered as a pregnant political maxim; nor did they believe that it was possible to comprise in one formula the systems of government which were best adapted at a given moment of time for the Rajpoot and the Chinaman, for the Arab and the Japanese. Government of the people by the people was the ideal to be aimed at in all countries, but of course it was one thing to keep before them an ideal and another to see any prospect of realizing that ideal in any time to which politicians could look forward. The second principal object of the Bill was to give to all Chief Commissioners and to all new Lieutenant Governors, and to confirm to existing Lieutenant Governors, the right of sitting in the Legislative Council of the Governor General as *ex officio* members when the Legislative Council of the Governor General happened to sit within the territories over which they presided. To this arrangement there could be no conceivable objection. The third principal object of the Bill was, as he had said, to give Parliamentary sanction to a certain procedure in the Governor General's Executive Council. This object was carried out by Clauses 4 and 5, which simply repealed the cumbrous and obsolete provisions of the Act of 1833 with regard to the procedure in cases of difference of opinion between the Governor General and his advisers, and enacted that what had long been the practice should be law. No one would, he thought, object to these clauses, and so he need say no more about them. Now, then, he came to the fourth object, which was carried out by Clause 6, and which was, as he had said, to afford facilities for the admission of native Indian subjects of Her Majesty to posts in the Civil Service of their own country which were not at present open to them. The 6th clause gave power to the authorities in India, who now assigned their various appointments to members of the Covenanted Civil Service, to appoint natives of India to positions heretofore held by members of the Covenanted Civil Service without their having necessarily undergone any examination whatever. Now, the very last thing the Government wished to be understood to say was, that the great experiment that was made at the last renewal of the Company's Charter with regard to throwing open the Civil Service to competition had in any way failed. True it was, that the best men of the English Universities had not rushed in crowds to India, but then, no one who really knew the state of our Universities ever dreamt that they would do so. All reasonable expectations had been amply fulfilled, and there left our shores almost every year to take part in the work of Indian administration some half-dozen men who had already proved themselves possessed of much more than average application and ability; some thirty or forty men who had proved themselves quite competent for the ordinary duties of an Indian civilian, and among whom the necessities and responsibilities of an Indian career would assuredly bring out far greater powers than as yet appeared in them, and, he feared he must add in the interests of truth, a small sprinkling of men who were not, perhaps, all that could be desired, but who could not be put on a level with the hard bargains, as they were called, of the nomination period. Considering that every system of selection which could be devised was terrestrial and not celestial, the result was eminently satisfactory, because the Indian Civil Service attained a considerably higher average of merit than in former days. It had, however, been gradually borne in upon the minds of the authorities in India that the present system of competition required to be supplemented by some provisions for the benefit of the natives. Young natives who had a little means could come to England and compete with the English for appointments, and were doing so. Then, again, if clever young natives had not means they would be helped by the Gilchrist and Government scholarships, assuming these last to be continued—a point, however, not yet settled. All that was good —nay, excellent for the young, but it was quite inadequate, even for them, and it did not meet the case of the old at all. It was absurd that in a country like India, in which our rule was one vast political experiment, incomparably the most vast and most interesting political experiment now being carried on on the face of the earth, we should not arm our responsible officers with full powers to try any reasonable experiment in the employment of natives. There was no want of civil ability among the natives of India. He remembered having been often told by one who had lived in the closest intimacy with all the leading men of that great Indian generation in which Munro and Elphinstone were the most conspicuous names, that the ablest politician he had ever known in life was a Mahratta Brahmin, and he believed his experience was by no means unique. Of course the services of native administrators could only be used at present in quite exceptional cases, but there were probably a very considerable number of natives who might be employed with great advantage to the State in a judicial capacity. This clause left very considerable latitude to authorities in India, and by no means excluded the power of appointing natives to civil offices after a competitive examination. It would be perfectly competent under it, say, for the Lieutenant Governor of Bengal to refuse to admit any young native to the Civil Service unless he had passed so high an examination as to make it certain that he would have been selected by the Civil Service Commission; but as the object of the clause was merely to make possible a series of experiments with a view to find out how natives could be most usefully employed in situations which had been hitherto closed to them, and as those experiments would be most narrowly watched, it would be a pity to fetter the discretion of those who were to make the experiment. He concluded by moving the Second Reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Grant Duff.*)

SIR CHARLES WINGFIELD said, the Bill came before the House this year in a form which disposed of many of his objections. Last year he moved to refer the Bill to a Select Committee, because it seemed to him to aim at an entire reversal of the Act of 1861, called the Indian Councils Act. The principle of that Act was that the legislative and administrative functions should be separated, and reside in separate bodies though the *personnel* might be partly the same; and another principle of the Bill was that the Government should cease to exercise the power of legislating for the later acquisitions of our Indian Empire, known as the non-Regulation Provinces on the sole plea that within the area of these provinces there are some rude and uncivilized races, who require to be governed by a rougher and simpler system than that in force in the rest of the Empire. But these rude races were a mere handful as compared with the rest of the population, and it was not well that 30,000,000 of cultivated people should be deprived of the safeguards of enlightened laws, and placed at the mercy of a discretionary power which might err. He was aware authorities could be cited in support of a provision even as sweeping as that. The party in India known as the patriarchal or autocratic school, preferred administering a rough justice, with no other light than that of reason; but having had some opportunities of forming a judgment upon the subject, his conviction was that personal administration was very useful in newly-acquired provinces when warlike populations had to be broken in to British rule, but when habits of peace and industry had succeeded to turbulence, and when wealth had accumulated and complicated interests had arisen, then the reign of good laws should begin. That being his advice last year, he confessed he should have preferred it if the Bill before them had been simply a declaratory Act, enabling the Legislative Council in India to except certain territory, on cause being shown, from the sphere of their own jurisdiction, and to give the Governor General authority to make laws for such territories. There was no reason why the Legislative Council should not be the only source of legislation, nor would such a course weaken the hands of the Governor General, for the Act of 1861 gave the Governor General power, in cases of emergency requiring vigorous treatment, to issue rules and ordinances having the force of law for the period of six months. Since, however, the powers of legislation sought to be conferred on the Executive Governments by the present Bill are so much restricted, and depend on the special sanction of the Secretary of State in each case, he acknowledged that no sufficient ground was left him to ask for a Select Committee on this part of the Bill. The last section of the Bill referred to a totally different matter; it proposed to offer new facilities for the utilization of native ability, and so far received his entire approbation, for he had long felt it was our duty to offer to the natives of India an honourable career in the public service, on the principle that a Government which excluded natives from high offices of State would soon become odious throughout the land. There were many natives capable of filling the highest posts, and he could not understand why the Governor General had refrained from exercising the power he already had in this respect. He feared, however, that the selection of the native candidates for appointment and promotion would hardly fail to create dissatisfaction—that if the appointments were not made exclusively by competition nomination would degenerate into favouritism, and invite jealousy between those who had entered the service by competition and those who had gained appointments by interest. Beside this, the disposition among young natives to come to England and enter into competition would receive a check, and this was the more serious when it was considered that no training was so excellent for a young man destined to administer the laws in India as a study of the workings of English law and life in this country. Last year four natives of India obtained Civil Service certificates. Natives of India were, however, placed under a disadvantage, as compared with Englishmen, in being obliged to reside here, at a distance from their friends and at great expense, while preparing for their examination; and it was desirable to find out, if possible, a means of relieving them from that disadvantage, and placing them on a more equal footing with Europeans. That difficulty was in part met by a scheme which had been devised by the right hon. Baronet the late Secretary of State for India (Sir Stafford Northcote), under which scholarships were established for the support of natives of that country while residing in England pursuing their studies. There were nine of these scholarships, but it was urged against the scheme that it was inadequate. That, however, was an objection on the ground of degree, not of principle, and he, for one, regretted to see it announced in the *Gazette of India* that the scholarships were to be discontinued. From conversations with native gentlemen prosecuting their studies in England, and from articles in the native Indian Press, he gathered that the native educated opinion was by no means in favour of a nomination system. They asked for no favour. They were prepared to compete with the youth of England. But they would prefer that the first competitive examination should be held in India—a certain number of appointments being allotted to India, and that the selected candidates should be required to reside in England until they passed the final examination, during which time they would receive £100 a-year. This proposition, although he did not mean to say he gave in his adhesion to it, appeared to him to be at all events worthy of consideration. Perhaps in practice it would not be very different from the scholarship scheme. He was not satisfied with the definition of natives of India contained in the Bill, because it might include some Europeans permanently settled in India; but that was a matter for Committee. The question, he might add, of the employment of the natives of India presented many very difficult problems; and he thought it should be referred to a Select Committee. When the right hon. Baronet the late Secretary of State withdrew his Bill containing this clause in 1868, he promised that it should during the next Session be referred to a Select Committee. He could not see the urgency for the passing of this clause. He desired to see the natives of India appointed to fill the highest offices, but a sufficiently wide field could be found at present in the non-Regulation Provinces, containing sixty districts, where the Governor General had power to appoint them to any office. He feared, that although it might be in a small way, the principle of competition was affected by the clause, and he should be sorry to see the principle imperilled. His experience of the working of the competitive system in India was, that it had raised the average of ability and attainments in the Civil Service in a great degree. He did not say that it would produce men more eminent than some whom the nomination system had given us, but it had raised the average of efficiency, while the instances of glaring inefficiency, which under the nomination system were not infrequent, were now entirely unknown.

MR. KINNAIRD said, he concurred in the views of the hon. Member for Gravesend (Sir Charles Wingfield), and would join in entreating the Under Secretary of State for India to adopt the suggestion to submit this important question, affecting the natives of India, to a Select Committee. It was ten years since any Committee had been appointed on Indian affairs by that House, and this was a question requiring great consideration. He regretted what had happened last year, when four natives of India came over to this country for the purpose of a competitive examination, in which they were successful, and carried away the first places; and yet, because of some technical flaw about the date of their birth, an objection was taken to them, and they were held to be disqualified. Such an occurrence must spread in India the idea that unfairness was shown to natives. But, if the matter was remitted to a Committee, it would be manifest to them that measures affecting their interests were not resolved on without due consideration.

Mr. GRANT DUFF said, it was true that in the case to which his hon. Friend referred, two young natives had been held disqualified who had succeeded in obtaining places in the examination. The ground of disqualification, however, was not merely technical but vital. A great deal of correspondence had taken place on the subject between the Civil Service Commissioners and the authorities in India; and he was happy to say that within the last two or three days the Civil Service Commissioners had found that it was possible to give to the two young men in question the benefit of the doubt. They would, therefore, be placed in the position in which they would have been had that doubt never arisen.

Motion *agreed to.*

Bill read a second time, and *committed* for *Monday* 28th February.

POOR RELIEF (METROPOLIS) BILL.

LEAVE. FIRST READING.

Mr. GOSCHEN: In asking leave, Sir, to introduce a Bill to provide for the equal distribution over the Metropolis of a further portion of the charge for Poor Relief, it will be convenient that I should state what progress has been already made towards equalization, and what thus far have been its effects, both financially and as regards the administration of Poor Law relief. I am not sure that the results of the equalization have been fully appreciated—partly, no doubt, because, though it is now two or three years since the Act of the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) passed, only three half-years have come under its operation. The audit always occupies a certain number of months, so that the parishes do not get immediate payment. At present they have received only two payments under the Bill of the right hon. Gentleman; but in the course of a few days they will receive a third payment. As regards the general financial statement of poor relief in the metropolis, the situation is about as follows:—The aggregate expenditure for poor relief in London amounts in round numbers for the year ending Lady-day, 1868, to £1,300,000, and for the year ending Lady-day, 1869, it amounts to £1,400,000. But I ought to add, especially at the present time, when, very naturally, great attention is drawn to the expenditure in the metropolis, that, although the year ending Lady-day, 1869, shows an increase of £100,000 over the preceding year, yet the half-year ending Lady-day, 1869, shows only a very slight increase over the corresponding portion of the preceding year. I may also mention that the half-year ending at Michaelmas, 1869, shows a reduction in regard to in-maintenance and out-relief as compared with the corresponding half-year in 1868. Therefore, up to last Michaelmas, there was no increase at all in the items for in-maintenance and out-relief in the metropolis. I attribute this to the circumstance that, although the number of paupers has been slightly greater, corn was cheaper, and a certain economy was effected in that respect. However, irrespective of the question of increase or diminution, these figures represent what I hope we need not consider the normal state of expenditure in the metropolis—because I hope we shall not always be burdened with the present number of paupers—although they fairly represent the average expenditure for the last two or three years. Now, it is well known to all who are engaged in the administration of poor relief, but not, perhaps, to the public in general, that this large sum which is spent in poor relief is usually divided into five or six heads. First, there is a heavy item for in-maintenance, representing about three-tenths of the whole; another for out-relief, also representing three-tenths; a third for lunatics in asylums or licensed houses, representing one-tenth; salaries of officers about one-tenth; workhouse loans and other expenses about two-tenths. It will, therefore, be seen that it is not only the in-maintenance and the out-relief which form so great a part of the total charge for relief, but a number of expenses which are more or less connected with poor relief, and in part administrative expenses. As regards equalization, very considerable progress has been made—much more, indeed, as I remarked just now, than is generally supposed. I ought, however, to add that the increase in the expenditure in 1869, as compared with 1868, represented 1*d.* in the pound, the average rate being 1*s.* 6¾*d.* in 1868, and 1*s.* 7¾*d.* in 1869. The increase would have been slightly greater, but for some addition to the rateable value. And now to return to the question of equalization. The following items were put on the common fund by the Bill of the right hon. Gentleman the Member for the University of Oxford: — the cost of lunatics, of children, of fever hospitals, and of medicines and drugs, and a very large sum for the salaries of officers. These are already upon the common fund. When the Act first came into operation, there was some little difficulty in bringing all these items on to the common fund, because the clerks to the Boards of Guardians found themselves in arrear; but the system is now in full operation, and I may say that £400,000 a-year is already charged on the common fund, out of £1,400,000, the aggregate sum paid for poor relief. For the half-year, of which the audit has just been concluded, the sum charged on the common fund is £200,000; in the previous half-year, £170,000 was so charged; and in the half-year before that £130,000. There has been a progressive increase under the head of cost of maintenance of lunatics in proportion to the number of lunatics whom the Guardians have been able to remove to asylums, for hon. Members may remember that it is only when this class of paupers are removed from the workhouses that the Unions enjoy the benefit of coming on the common poor fund in respect of them. The same rule applies when children are removed from the workhouses and placed in separate schools or district schools. So, in proportion to the removal from the workhouses of lunatics and children, the charge on the common fund has been increased, and the charge on the Unions themselves decreased. It may be interesting to some hon. Members, or at all events to the parties concerned, to know what kind of benefit is given to the poor parishes in the metropolis by the equalization up to this time. I will quote a few figures relating to the half-year ending on Lady Day, 1869. Bethnal Green is entitled to a surplus of £6,300, Shoreditch to £4,700, Whitechapel to £3,900, and Stepney to £3,000. Thus the poorest parishes are receiving the most money. Twenty-four parishes receive money from the fund, and about fifteen contribute to the fund. As regards the latter, I may remark that the City of London is called upon to pay nearly £15,000; St. George's, Hanover Square, has to draw a check for £6,500; Paddington has to contribute £5,600, and Kensington about £4,000, so that the Act is by no means inoperative, as some people suppose, but has already conferred a very considerable benefit on the poorer parishes. During the last three half-years, including the one of which the audit is now being settled, Bethnal Green has received £16,000, Whitechapel £11,500, Greenwich nearly £11,000, and Shoreditch nearly £9,000; while during the same period the richer parishes have of course paid sums equal to the amount received by the poorer ones. I will now briefly state the items with regard to which these payments will arise in respect of the year ended Lady Day, 1869. The maintenance of lunatics in asylums and licensed houses amounts to £160,000—that item, I am sorry to say, is constantly increasing all over the country—medicines and surgical appliances to about £9,000, salaries of officers to £103,000, maintenance of children in separate or district schools to £91,000, expenses under the Houseless Poor Act to £12,000, and registration and vaccination fees to £15,000. The heavily-rated parishes have not yet reaped all the benefit of the change, but when the system is in full action, and the schools are all ready for the reception of the children, and the asylums for the imbeciles are completed, I hope that they will do so. To a certain extent it must be borne in mind that the tendency of equalizing the poor rates is to increase expense. The salaries of officers, for instance, have increased materially since 1866. In the first year there was an increase of £10,000 under this head, a similar increase occurred in the year following, and last year there was an increase of £15,000. This is a most instructive item as regards the administration of relief. At first sight it points to the conclusion that there has been increased extravagance; but I think the House will desire to look into the matter somewhat closely. How has this increase arisen? I have examined carefully the circumstances as to three classes of officials—the doctors, relieving officers, and nurses. I find that the doctors have been increased in number by eighteen; that the relieving officers, formerly 110 in number, are now 150; and that the paid nurses have been increased by 173, being formerly 213 and now 386. These additions represent very fairly the advantages and disadvantages resulting from placing charges of this description on the common fund. Very few persons to whom the circumstances are known would grudge the increase either in doctors, relieving officers, or paid nurses. But what happened was this. Before the equalization of rates parishes which were overburdened with rates frankly confessed the necessity for an increased number of relieving officers and paid nurses, but were unable to support further expenditure for the purpose; but as soon as the burden of taxation became more evenly distributed, they then recognized the necessity of increasing their staff, and not without good results. I hail the increase in the number of relieving officers as one of the very greatest advantages which has resulted from the introduction of the new system. There can be no stronger instance than that of Poplar, which has greatly increased its staff of relieving officers, and the consequence has been that while other districts in the neighbourhood have seen their pauperism increase, that of Poplar has been stationary, having been kept down by an improved system of administration. Throughout the metropolis generally each relieving officer, on an average, has to take care of 386 adult paupers, while in Poplar, every such officer has only 176 under his charge, the result being that he has infinitely more time at his disposal to investigate cases properly, to trace out distress, and to deal with any attempted imposition, than he can have in neighbourhoods where he is overburdened with work. There are many districts where the proportion is infinitely higher than 386, and I feel confident there is no better way in which growing pauperism can be dealt with than by increasing the staff of officers and giving them the means of properly investigating cases of distress. The want of a proper staff of nurses was one of the evils which was dwelt upon very much a few years ago, and it is not yet entirely removed; but the appointment of an additional number of paid nurses in the infirmaries and workhouses must be regarded as a decided progress. Putting, then, these salaries upon the common fund has not been unattended with good results. But there is another and less inviting aspect of the question. Boards of Guardians have no longer the same direct interest which they formerly had in keeping down the salaries of their officers. This may and does happen; some Union with a good relieving officer at a salary, say of £120 a-year, comes to the Poor Law Board and ask to have his salary raised to £150. Why? "Because if we do not another Union will bid higher for his services, and take him away from us." The Unions find their account in keeping down the general expenses of relief by the activity of the relieving officer, regarding the amount of the salary to be paid to him as a matter of comparative indifference, as it is borne by the common fund. There is only one way of meeting such applications, and that is the way the Poor Law Board have adopted—of refusing their sanction to any such proposal, unless a clear case be made out, either on the ground of length of service, or additional work, or some exceptional circumstances warranting the increase of salary. And this brings me to a point of great importance. Every step in the direction of further equalization of rates must be taken in such a manner that the poorer parishes, or indeed any parish, may not be able to utilize the common fund without the control of those who represent the common interests. That seems to be an axiom from which we cannot depart. It is absolutely necessary that when we equalize the burden we should also equalize the control, and insist upon a certain uniformity. One main cause of the trouble into which the Poor Law Board has got with various Boards of Guardians has been because these insisted upon increasing the salaries of their officers. "Surely," they argued, "we may be allowed to manage our own affairs, and we must know better what our officers are worth than the Poor Law Board can do." But the answer seems conclusive; they really are not managing their own affairs—at least they are not spending their own money. When they propose to increase salaries, they are proposing to dip their hands into the pockets of all who contribute towards the common fund. The next point is as to lunatics and children. By the removal of the charge for them on to the common fund the Poor Law Board has been able to carry out the declared wishes of Parliament in a way that it never otherwise could have done. The Guardians steadfastly refused for years to provide distinct buildings and separate schools, or to part with the control of a single pauper. But the temptation of transferring to the common fund the charge for the maintenance of the lunatics and children proved too much for them, and the result is that 8,000 out of the 10,000 children in metropolitan workhouses are now in separate or distinct schools, and not in the workhouse itself. Very great advantages to the children themselves, I am convinced, have resulted from this change. With respect to dispensaries, since the clause in the Act of last year was passed, giving powers to the Poor Law Board to stop the charge of the salaries of the medical officers to the common fund if dispensaries were not built, there has been every disposition to meet the Poor Law Board, and I trust dispensaries will soon be established in almost every Union in the metropolis. If there be harmony between the central authority and the Boards of Guardians, and if arrangements are carried out in conformity with the intentions of the Legislature, they will be entitled to payment from the common fund; but if there be resistance to the central authority and to the intentions of the Legislature, they must bear the burden themselves. Where the power is retained of spending common money without central control there is great difficulty in procuring economy; and it is necessary, if the relief of the poor of any class is put on the common fund, to take the necessary precautions to strengthen the hands of those who to a certain extent have control over the whole. That being the case as regards equalization in the past, I think there are few who will not concur with me that if we can take a further step towards equalization it ought to be done. The burden of paupers in the metropolis is so great, and the changes which occur in the places which are chiefly burdened by increase in the number of paupers are so decided, that few object to the principle of equalization up to a certain extent. There was a time when the usual argument against equalization was this, that all the advantage gained by equalization resulted to the benefit of the owners of property in various places, and that they would increase their rents if poor rates were increased. That may be true to a certain extent, but it is certainly not true entirely. The proportions of pauperism change very rapidly in the present day. There are certain portions of the metropolis where there used to be a large number which have ceased to have this distinction; and what with the demolition of houses, the introduction of railways into the metropolis, and the general advance in the number of paupers who come up from the country to the capital, there are parts of London burdened with paupers now which used to be comparatively free from them; so that the argument as to the owners of property breaks down in these cases. The Government are anxious that some further alleviation should be given, it being justly required by the poorer portions of the metropolis, which are not responsible for the pauperism that congregates in those particular localities. We have been anxious to see what further step could be taken in the direction of equalization, without running the risk to which I have alluded of affording the opportunity to certain parishes of being exceeding liberal at other people's expense. I must freely confess that, without a total change in the administration of relief in the metropolis — without superseding local agency altogether—I do not see how out-door relief could be placed on the common fund. Nor have I yet seen any plan that gives sufficient control to the central authority to prevent abuses. Under these circumstances, it has appeared to the Government that they could not place out-door relief on the common fund; we must rather look to the other claim—namely, the in-door relief; and what we propose is to place the whole maintenance in workhouses upon the common fund, less a necessary margin which shall leave a stimulus to Guardians administering the funds of Unions to be economical. We propose that a certain sum per head—a large proportion, but not the whole cost of the maintenance of each inmate—should be charged on the common fund. We propose that 3*s.* 6*d.* per week, or 6*d.* per night per head, should be paid in that way. This would be a very large relief to the poorest parishes in the metropolis, and I think it can be shown that no danger is likely to arise from it. I can fancy, at first sight, that objections may be urged. It may be said this will tempt the Guardians of every Union to crowd their workhouses. That is perfectly true; we must therefore enact, it may be in a Bill containing very few clauses, that, once for all, the numbers which any single workhouse may hold shall be settled, so as to prevent that overcrowding which has thrown so much discredit on the administration of relief in the metropolis. While relief is given, it is necessary that an end should be put to overcrowding, and I feel confident that no one can object to this, that the *maximum* number should be fixed, and that beyond that amount no payment should be given to the Guardians. Then, again, I think we should infringe on the principle of the separation of children from workhouses, if we permitted the Guardians to claim payment in respect of children kept in the workhouses. Children, as heretofore will have to be sent to district schools. Of course, it is necessary that precautions should be taken that if Unions receive the sum of 3*s.* 6*d.* per head of adults in the workhouse, they should comply with the general regulations and requirements of the law, and that the relief afforded should be adequate and should fairly represent the average form of relief in the metropolis. At present the salaries of officers are on the common fund, whereas their rations are not. Hence it arises that one Union officer has a salary only, while another has a smaller salary with rations; and the parish which gives the rations loses that amount. But the rations of officers will, on a certain scale, be also placed on the common fund. The House is entitled to know what will be the financial effect of this change. The effect will be this—that when the asylums now building are completed, and when the remaining district schools, which are making rapid progress, are completed, including the effect of the measure we now propose, nearly one-half of the total relief of the poor in the metropolis will be paid out of the metropolitan common poor fund, and the sum which will be distributed will be between £620,000 and £650,000. If the present enormous scale of out-door relief should be reduced, the relief afforded will be to the local burden, and not to the burden thrown on the common fund. If there is any margin the local funds will have the advantage of it. The workhouse accommodation in the metropolis is insufficient, and it is difficult to say how far out-door relief has increased in consequence of the impossibility of properly applying the workhouse test. In the great pressure we have just gone through, if the application of the workhouse test has occasionally appeared harsh, yet, as a general rule, the great increase of pauperism has been chiefly in those localities where it was impossible properly to apply that test. It may be objected that by the system we recommend we hold out a premium to Guardians to fill the workhouses, and apply the workhouse test most strenously. The possibility of a more frequent application of the test would not be a disadvantage; but hon. Members must not assume that there is, or will be, a very great margin which the Guardians, however stringently inclined, could fill up. Additional accommodation will be secured, but of that the first result will be that the same scandalous and dangerous overcrowding will not exist which occurred last year, when some 20 to 30 per cent of paupers more than the workhouses could properly hold were taken in. It may be asked—Why not relieve them out of doors? To that we answer, Because it is impossible, even if it were desirable to do so; and I am sure that such a relaxation of the law would not recommend itself to the feelings of the House generally. There is no danger that the workhouse test will be applied too strenuously, for though we do a great deal to increase the accommodation, yet we do not go much beyond the extent which will provide decent room and space for those within the workhouse. The general result of our proposal will be this, that when the Act comes in force the half of the whole charge for relief will be imposed on the common fund. If we are able, as we hope to be, to reduce the amount of outdoor pauperism, to effect some diminution in the 50,000 additional paupers now in the metropolis, as compared with the number four years ago, it will be from the local and not from the common fund, so that the equalization will amount to more than a half of the whole charge. I do not know that to those who wish entire equalization this will commend itself. But, at least, it is a step that cannot lead to any increased laxity of administration or extravagance; sufficient interest will be left to the Guardians as representing their own ratepayers; the provisions against overcrowding will be valuable, and the ratepayers will see that their burdens are being partially removed in a way that is not objectionable, while the scheme will not increase the aggregate pauperism of the whole metropolis. The right hon. Gentleman concluded by moving for leave to bring in the Bill.

MR. SCLATER-BOOTH said, he was not disposed to quarrel with the net result of the scheme as stated by the right hon. Gentleman—namely, that one-half of the sum necessary for the support of the metropolitan poor was to be levied on a common fund; and he should have been glad if his right hon. Friend the President of the Poor Law Board in the last Administration (Mr. Gathorne Hardy) had been in the House to hear the good account which had been given of the partial measure of equalization which he had brought in two years ago. At that time the Government did not expect that would be a final measure, but that something like the present Bill would be necessary. He thought the illustration given by the President of the Poor Law Board of the consequences of placing the salaries of officers on the common fund should induce the House to look narrowly into the details of the Bill, which would put so large a portion of the in-door maintenance on the common fund. This required consideration, and he would suggest that, instead of the sum so placed being a fixed one of 6*d*. per day per pauper, it should be a certain relative proportion of the whole, because otherwise, in consequence of variation in the price of provisions, the margin which was now considered sufficient to give the Guardians an interest in keeping down expenditure might become altogether insufficient. The way in which the common fund was to be disbursed was very important. The right hon. Gentleman had said that the issue out of the common fund should be watched by persons who had an interest in it, and in preventing its increase. It was to be supposed that in this he referred to the Poor Law Board, because there was no representative body which stood in the position to do this work. The ratepayers generally would, however, feel some difficulty in assenting to the proposition that the Poor Law Board had an interest in keeping down the amount of the common fund. The right hon. Gentleman had not said what he considered would be a sufficient margin to keep Guardians within due bounds in the administration of in-door relief, though probably he thought that a trifling amount would be enough. He (Mr. Sclater-Booth) repeated that he should have preferred the amount placed on the common fund being three-fourths or four-fifths of the whole, instead of the fixed amount of 6*d*. a-day.

MR. W. M. TORRENS said, he conceived that the measure was another step towards transferring power over the relief system from the local bodies to a central and perfectly irresponsible authority. He was not opposed to the principle of equalization, if it were joined with the principle of representation; but he understood that the present proposal was one to take from the elected bodies that control over the inmates of workhouses which they had hitherto enjoyed, and to vest the control of the expenditure for metropolitan poor relief in an irresponsible body. He understood that each workhouse was now to be limited in its accommodation by the Poor Law Board, and they knew by experience what that meant, for there were theories at the Board with regard to cubic space, and of the mischievous effects of whose application they had already had too much experience. They knew that extended accommodation for in-door relief implied gigantic expenditure and debt, and, as in the case of lunatics, idiots, sick persons, and children in district schools, it meant the borrowing of vast sums of money to be expended in Government masonry and to be charged upon the rates. The right hon. Gentleman had been represented as having stated elsewhere that the great object of the Government was to find the minimum of poor relief, and his fixing now 6*d*. a day for in-door maintenance was a practical illustration of the principle which he was supposed to have espoused. When they took away local control over the relief afforded to the sick and insane it opened the door to mismanagement, extravagance, and inhumanity; and he regretted that the President of the Poor Law Board had quoted that as a precedent to be followed in this matter. The right hon. Gentleman had also spoken hopefully of probable fluctuations in the numbers of the poor, but he (Mr. W. M. Torrens) feared that the "fluctuations" would only be from bad to worse. He did not know what number of coroners' inquests would satisfy the right hon. Gentleman, but the fact was that the coroners were almost broken down in the discharge of their painful duty. If the House desired to treat the metropolis as it treated the rest of the country, let the same principles be adopted in legislating for the metropolis which were applied to all England, and let there be in London, as elsewhere, local control coincident with local taxation. As he understood the proposal of the President of the Poor Law Board, the control of the ratepayers over one-half of the total expenditure on poor relief in the metropolis was to be taken away, in order to try a further experiment in centralization—a course which was not desirable for the paupers, the ratepayers, or the nation at large. The tendency, and, he presumed, the purpose of this further step in local disfranchisement was plain. The number in each workhouse being arbitrarily limited; as soon as each was full, an order would be issued to build a new one or a large addition to the old one; and in this way the building speculators of Gwydyr House would proceed flourishingly and unlimitedly: for power of interposition ratepayers and Guardians would have none. The scale of charge for in-door maintenance might then be raised by the same despotic authority whenever it thought fit; and the poorer parishes would be bribed into acquiescence by being told that in this way they might put their hands into the pockets of those that were comparatively well to do. But neither the one nor the other would have any voice in regulating the outlay; for the whole of the in-door maintenance would henceforth come out of the common fund. It was, in fact, a revival of the vicious system of a rate in aid in the worst possible form. The right hon. Gentleman apologized for not applying the same rule to out-door relief by saying that such a change would involve the absolute sweeping away of whatever still remained of local government. To that, however, they would assuredly come if they took the present step in the direction so significantly indicated. The provisions of the Bill seemed to be framed with subtlety to put the metropolis out of harmony with the rest of the country, and with what object he could not divine, unless, indeed, wider projects were cherished for the gradual withdrawal of out-door relief; and it was thought prudent to experimentalize on the capital before proceeding to sequestrate the heritage of poverty and to destroy the local rights of industry and thrift throughout the kingdom.

Dr. BREWER said, he thought the Bill would bestow increased comforts on the poor, and he would admit that something like equalization could not be avoided; but his opinion was that the public had looked upon the extension of the common fund, without provision for the due representation of the ratepayers, as something quite new to this country, and as a most dangerous innovation; and they would hardly be prepared for the proposal that so large a proportion as one-half of the poor rates of the metropolis should be administered by a body that was not directly responsible to the taxpayers. The common fund, as he said last year, was a means whereby parish A could tax parish B without its exercising any control in the matter, or having the power to tax parish A. The Bill would be a valuable one if the ratepayers could have control over the expenditure of the common fund.

Mr. LOCKE said, he had been a strong advocate for the equalization of the poor rates, and he was pleased that this Bill proposed an extension of the principle so far that 3*s*. 6*d*. a head for every in-door pauper was to be levied upon the general rate throughout the whole metropolis. This was a step in the right direction, much more so than was the division of the metropolis into districts and parishes for the provision of asylums. He did not believe there was anything in the objection that equalization would lead to extravagance, because each parish or district would always have to pay its share of the rate. Twelve or thirteen years ago he had his name on the back of a Bill, along with that of the right hon. Gentleman the Chief Commissioner of Works, the object of which was to equalize poor rates; that Bill proposed to establish committees of magistrates and others to review the expenditure of each particular parish; but that mode of proceeding was deemed a clumsy one, and the Bill was not looked upon with favour by the House. At that time equalization was not so popular at the Poor Law Board as it is now, and there was no one at the Poor Law Board to support it. Now that the Poor Law Board had adopted it, there must be some one intrusted with the revision of the expenditure. The Poor Law Board were not perfect. On the contrary, great objections were from time to time made to them; but somebody must exercise a controlling power, and he should be unwilling, on this account, to throw any difficulties in the way of passing a Bill which would confer great benefits on the metropolis by the further approach to equalization which it contemplated. He should be glad, therefore, to give his right hon. Friend every support in his power in passing the measure.

MR. WHALLEY said, he wished for an explanation from the right hon. Gentleman. He was afraid that the Guardians of parishes would have little control over the district schools.

MR. GOSCHEN, in reply, said he could assure his hon. Friend (Mr. Whalley) that the Guardians would exercise considerable power over these schools, for the Boards of management would be formed exclusively from the Guardians of the district, and they would be able to watch over the schools and to protect them from any sinister influences. With regard to the remarks of the hon. Member for North Hampshire (Mr. Sclater-Booth), the Bill would provide that as regards the future the Poor Law Board might by order increase the sum of 3*s.* 6*d.*, subject, however, to the condition that the Board should lay such Order on the table of the House, and that it should not come into effect until six weeks afterwards. This would guard against the the danger which the hon. Member anticipated—namely, that by a rise or fall in the price of provisions the 3*s.* 6*d.* might be either too high or too low. The hon. Member said it would be better to take a proportionate amount. But if that plan were adopted the stimulus to economy on the part of the Guardians would not be so great as under the Bill. The proposal was that 3*s.* 6*d.* per head a-week should be paid, and therefore any economy would be entirely for the benefit of the Guardians, whereas if four fifths were paid from the common fund and one fifth by the Guardians, they would only be interested in any economy which might be effected to the extent of that one fifth. The point had been carefully considered, and the advantage that would accrue to the Guardians under the Bill had been anticipated. The hon. Member for Finsbury (Mr. W. M. Torrens), was mistaken in supposing that 3*s.* 6*d.* was the exact sum to be spent. The 3*s.* 6*d.* was to be paid out of the common fund; but at present, and for some time to come, every pauper was likely to cost considerably more than that sum. As to the margin which would be left, it was calculated that £90,000 would still be borne by the local authorities, irrespective of the common poor fund, and that they would therefore still be interested to the extent of £90,000 in economy. The hon. Member said that pauperism in the metropolis was increasing, and asked how many more inquests he (Mr. Goschen) would require to convince him of the fact. No one could be blind to the existence of pauperism in the metropolis, and no one was more impressed with it than he was; but he hoped that better times were in store, and as to the inquests, he would remind the hon. Member that some of them arose from the overcrowding of workhouses—the very point with which he proposed to deal by the provisions of this Bill. The hon. Member was entirely wrong in supposing that the whole control would be taken out of the hands of the Guardians. That would be the case if the Poor Law Board said they would be responsible for the whole administration of these workhouses; but there would be the payment of a fixed sum, and the general arrangements would be no more taken out of the hands of the Guardians than at present. Certainly, there would be this important difference — that, whereas as present, if any Board of Guardians dealt with their poor in such a manner as to call for the interference of the Poor Law Board, an application to the Court of Queen's Bench for a *mandamus* was the only mode of compelling them to do their duty, the Bill would supply a more simple means of effecting this result and of strengthening the hands of the Poor Law Board in this respect.

Motion *agreed to*.

Bill to provide for the more equal distribution over the Metropolis of a further portion of the charge for Poor Relief, *ordered* to be brought in by Mr. GOSCHEN and Mr. ARTHUR PEEL.

Bill *presented*, and read the first time. [Bill 36.]

ABYSSINIAN EXPEDITION.

Select Committee *appointed*, "to inquire into the causes of the great excess of cost in prosecuting the war with Abyssinia over the estimate submitted to Parliament:"—Committee to consist of nineteen Members:—Committee *nominated*:—Sir STAFFORD NORTHCOTE, Mr. GRANT DUFF, Sir JOHN HAY, Mr. BAXTER, Mr. EASTWICK, Mr. SEELY, Mr. CHRISTOPHER DENISON, Major ANSON, Mr. HOWES, Mr. WHITE, Lord ELCHO, Sir PATRICK O'BRIEN, Mr. CHARLES TURNER, Captain BEAUMONT, Sir JAMES ELPHINSTONE, Mr. MUNDELLA, Colonel BARTTELOT, Mr. HOLMS, and Mr. CANDLISH:—Power to send for persons, papers, and reports; Five to be the quorum.

RAILWAY TRAVELLING BILL.

On Motion of Mr. PLIMSOLL, Bill requiring Railway Companies to provide hot-water tins for third class passengers and for second class passengers in certain cases, *ordered* to be brought in by Mr. PLIMSOLL, Mr. Alderman CARTER, Mr. RICHARD SHAW, Mr. RYLANDS, and Mr. CANDLISH.

Bill *presented*, and read the first time. [Bill 37.]

House adjourned at a quarter
after Nine o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, 21st February, 1870.

MINUTES.]—PUBLIC BILL — *First Reading*—Provisional Orders Bills (Committees) * (11).

The House met;—and having gone through the Business on the Paper—

House adjourned at a quarter past Five
o'clock, till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 21st February, 1870.

MINUTES.] — NEW MEMBER SWORN — Hon. Norman Grosvenor, *for* Chester City.
SELECT COMMITTEE—Local Taxation, *appointed*.
PUBLIC BILLS—*Ordered—First Reading*—Inverness County, &c. (Boundary) * [38]; Bakehouses * [39]; Medical Acts Amendment * [40].
Second Reading—Mines Regulation and Inspection [12]; Oyster and Mussel Fisheries Supplemental * [34].
Considered as amended—Dissolved Districts and Unions * [17].

"FACTORY DISCIPLINE"—CASE OF HANNAH ANDREWS.—QUESTION.

MR. STAPLETON said, he wished to ask the Secretary of State for the Home Department, Whether his attention has been called to a paragraph in "The Times" of February 14th, headed Factory Discipline, being the report of a case decided upon Saturday at the Ilford Petty Sessions, in which Hannah Andrews, a girl aged 15, employed in the Barking Jute Factory, was plaintiff, and Mrs. Ann Mills, the forewoman of the factory, was defendant; whether the statements in "The Times" are correct —namely, that the girls are employed at separate frames in parties of four and five each, and the girl who is last in finishing her work at any particular frame receives ten or a dozen strokes with a two-foot strap, the end of which is cut into strips, so as somewhat to resemble a cat-o'-nine tails; that the girl Hannah Andrews, having on Tuesday been last at her work, on two occasions received fifteen strokes the first and ten the second time; that it was proved for the defence that this flogging was the custom of the Establishment; that all the girls who were engaged agreed to submit to it when the work was given to them; that the magistrates held that as the complainant had clearly consented to the use of the strap she could not afterwards complain of the punishment inflicted, and dismissed her complaint; whether the system alleged to be pursued in this factory is not clearly illegal? And, whether, if the facts be as stated, he will cause the owners and managers of this factory to be prosecuted in some other court than the Court of Petty Sessions at Ilford?

MR. BRUCE said, in reply, that he had made inquiries into the case, and was happy to say the facts with respect to the assault had been greatly exaggerated, and with respect to the conduct of the magistrates had been entirely misrepresented. The facts were, that at that jute factory a lady had charge of the girls, who appeared to have imported from Dundee a practice of administering some amount of personal chastisement if the girls and children were idle or misconducted. That chastisement consisted of a certain number of blows, generally three or four, inflicted on the hand with a strap. It was not true that the girl who was the last in finishing a particular work was punished, nor that as many as fifteen or even ten of these blows were ever given; but certainly the infliction of any amount of such punishment, however slight, was altogether illegal. It appeared that on a certain day the mother of Hannah Andrews assaulted the forewoman and gave her a black eye. The forewoman applied for a summons, in consequence, against the mother, and the girl thereupon took out a cross-summons against the forewoman. The magistrates heard both summonses, and came to the decision that they would satisfy the justice of the case by dismissing both. At the same time, so far from approving the conduct of the forewoman, or in any way sanctioning it, they expressly stated the opinion that it was not only illegal, but altogether wrong. Under those circumstances, and without expressing any opinion as to the propriety of the decision of the magistrates, he did not think it necessary for the Government to take any further step in the matter.

MERCHANT SEAMEN—THE "GREENWICH SIXPENCE."—QUESTION.

MR. WARD JACKSON said, he wished to ask the First Lord of the Admiralty, If any mode and proportions have been settled for the distribution of the annual sum of £4,000 which, in the last Session, was fixed should be divided among the Merchant Seamen who had contributed to what was generally known as the "Greenwich Hospital Sixpence Fund," and how soon the appropriation of the money will commence?

MR. SHAW-LEFEVRE said, he would beg leave to answer the Question instead of the First Lord of the Admiralty. An Order in Council was passed in October last, defining the conditions and proportions under which the pensions were to be given to seamen out of the £4,000 per annum placed at the disposal of the Board of Trade by the Greenwich Hospital Act of last Session. Some time was necessarily allowed to enable claims to be sent in and examined, but pensions were now being granted at the rate of about fifty a-week. He might mention that 3,400 claims had been sent in, of which 1,115 were from men who went to sea before 1815, so that at present no person who was of less age than seventy would have much chance of receiving a pension.

LICENSING AMENDMENT BILL.

QUESTION.

MR. CARTER said, he would beg to ask the Secretary of State for the Home Department, Whether he is able to name a day for the introduction of the Licensing Amendment Bill?

MR. BRUCE, in reply, said, he hoped to be able to move for leave to bring in the Bill on Friday the 4th of March.

UNSEASONABLE SALMON.—QUESTION.

MR. MALCOLM said, he would beg to ask the Secretary of State for the Home Department, Whether it is lawful, under the Act 24 & 25 Vic. c. 109, ss. 14 and 34, for a justice of the peace to empower by warrant any inspector to seize and open boxes which there is probable cause to suspect of containing foul or unseasonable salmon while in transitu under the care of railway or other carriers; and, whether, in the event of its being considered illegal for a justice so to empower an inspector, he is willing to extend the power granted to the Customs Officers under the Act 26 Vic. c. 10, from the 2nd February to the 30th April?

MR. BRUCE said, he would not presume to expound what was rather an intricate point of law; but, after making the best inquiry he could in that matter, he was of opinion that it was not lawful for a justice of the peace to authorize any inspector to seize and open boxes of salmon under the circumstances mentioned by the hon. Member. As to the second part of the Question, he saw no objection to extending the power of the Customs officers, under 26 *Vict.* c. 10, to seize foul or unseasonable salmon from the 2nd of February to the 30th of April.

REPORT ON CATTLE PLAGUE.

QUESTION.

Lord ROBERT MONTAGU said, he would beg to ask the Vice President of the Committee of Council on Education, When the Report on Cattle Plague in Great Britain, presented 22nd July 1868, will be delivered to Members?

Mr. W. E. FORSTER, in reply, said, the Report was in the hands of the printers, and he was anxious that it should be produced as soon as possible; but, owing to great pressure of business in the Department, the preparation of the Appendix had unavoidably been delayed.

SCOTLAND—WICK AND ANSTRUTHER HARBOURS.—QUESTION.

Sir ROBERT ANSTRUTHER said, he wished to ask the Secretary to the Board of Trade, Whether any Report has been received by the Board of Trade as to the nature and extent of the damage done to the Harbours now in course of construction at Wick and Anstruther by the recent gales; and if he will state from what funds the cost of such damage will be made good?

Mr. SHAW-LEFEVRE said, in reply, that the harbours of Wick and Anstruther were not under the management of the Board of Trade, and they had received no other report of the damages done to them than through the public papers. The works at Wick had, he believed, been constructed by the British Fishery Company, assisted by a loan from the Public Works Loan Commissioners. The harbour of Anstruther had been constructed out of public money by the Scotch Fishery Board; but he was unable to say out of what funds either of those works would be repaired.

NAVY—DISCHARGES FROM THE DOCKYARDS.—QUESTION.

Sir JOHN HAY said, that in the absence of Lord Henry Lennox, he would beg to ask the First Lord of the Admiralty, Whether discharges from the Dockyards without sufficient notice are to continue, and whether any suggestions had been received by the Admiralty which, without adding to the public charge, would mitigate the hardship, such as working short time?

Mr. CHILDERS, in reply, said, he had only heard that afternoon that the hon. Baronet was going to put a different Question from that which appeared upon the Notice Paper; but he had inquired, and could not ascertain that there was any truth in the assertion that insufficient notice had been given to any of the men who were at present being discharged. He had not heard that any complaint had been received. The discharge had been going on in a very gradual manner for some time, and it was necessary that it should continue in order to bring the number of men down to the number that were required for next year's programme. The question of working short time was brought before the Admiralty from, he believed, one of the dockyards some time ago. The suggestion was made that work should be carried on only upon certain days of the week. He had not been able to adopt that suggestion, but the old system of working on the ten hours' system in certain parts of the dockyards had been abolished, and the result was that the discharge of men which would otherwise have been necessary had been considerably diminished. He hoped on Monday next to give full particulars to the House on this subject.

METROPOLIS—SUBWAY TO PALACE YARD.—QUESTION.

Mr. LOCKE KING said, he would beg to ask the first Commissioner of Works, Why the Subway at the foot of Westminster Bridge has not been connected with the Embankment at Cannon Row; and whether it is now intended to be kept for the sole benefit and exclusive use of the Metropolitan Railway?

Mr. AYRTON said, in reply, that the subway was a project suggested some years ago for the purpose of enabling Members of Parliament to pass quietly from Parliament-street into Palace-yard without the risk of being run over. But since it was first proposed, the Metropolitan Railway had been carried to Westminster Bridge, and the Thames Embankment had been constructed. Ground on the opposite side of New Bridge Street, which had been formerly in the possession of the Office of Works, had recently been sold to the Metropolitan Railway Company; and, therefore, there was no egress from the subway on that side, except to the company's station. The company had undertaken to afford an egress at their station. As to the connection of the subway with the Embankment, he had been in communication with the Metropolitan Board of Works, and had urged upon them the propriety of making such a connection, and the matter was, he believed, under the consideration of the Metropolitan Board of Works; but until they had come to a final determination on the subject he could not give the hon. Gentleman a final answer. Any further approach or egress must unfortunately be made upon land belonging to the railway company, and they said, not unreasonably, that they had paid a price to the Government for the land, and could not be asked to surrender any portion of it without being paid for it.

MARKET FOR FOREIGN CATTLE.

QUESTION.

MR. SAMUDA said, he would beg to ask the Vice President of the Council, If, before the Government approve of the site that may be selected by the Corporation for the waterside market for Foreign Animals, means would be taken to ascertain the views of those interested in the trade, and to insure a sufficient extent of accommodation being provided?

MR. W. E. FORSTER said, in reply, that the Act passed last year did not make it the duty of the Government to fix on a site, or to say what site they considered best. It only placed them in this position, that in the event of the Corporation failing to provide a market to their satisfaction and opening it to the public before the end of next year, they would lose their market monopoly. The Market Committee of the Corporation had seen Earl De Grey and himself, and brought under their notice several sites. A written communication had since been made to the Committee informing them that the Lords in Council did not see any reason to object to the site ultimately proposed, provided that the area was sufficiently large to meet the requirements of the market, and that it would afford the necessary wharf accommodation. He had intended to mention the site, but as he was informed that the negotiations for its acquirement were not completed, he thought he had better not do so.

SOUTH AFRICA.—QUESTION.

MR. GILPIN said, he would beg to ask the Under Secretary of State for the Colonies, If it be true, as stated in the South African Papers, that the Provisional Treaty between Sir Philip Wodehouse and the Boers of the Orange Fee State, by which a friendly tribe of natives has been deprived of a considerable extent of territory, has been sanctioned by Her Majesty's Government; and, if so, what provision has been made by Sir Philip Wodehouse for the protection of those who were thus driven from their homes; and, if there be any objection to lay a Copy of the Treaty and Correspondence upon the Table of the House?

MR. MONSELL said, in reply, that he had that evening laid on the table the Papers asked for by his hon. Friend, and they would afford much fuller information than the House was now in possession of on this complicated subject. In reference to the first part of the Question, he would remind his hon. Friend that in 1866, after the war between Basuto and the Orange Free State, in which the former was defeated, a treaty was imposed on the vanquished which confiscated every portion of their land. The conditions of the treaty were so onerous on the defeated party that war broke out again between them, and the Orange Free State was again victorious. Sir Philip Wodehouse interfered, but he warned the people of Basuto that a considerable sacrifice of their property would be inevitable. Sir Philip Wodehouse met the President of the Orange Free State, and a treaty was drawn up and referred to the Home Government for its approbation. So anxious was the Home Government to in every way protect the rights of Basuto that the treaty was not at once approved, but was sent back to Sir Philip Wodehouse for further information. He, however, wrote in reply to the Home Government that the treaty was, on the whole, as favourable to Basuto as any which there was any chance of procuring. He had also written to say that all the more valuable parts of the territory of Basuto had been got back, except an angle near the Caledon River, and that for the portions not restored an equivalent would be had by those who had been deprived of them.

RELIGIOUS TESTS IN THE UNIVERSITIES.—QUESTION.

Mr. VERNON HARCOURT said, he would beg to ask the First Lord of the Treasury, Whether, now that the Irish Land Bill and the Education Bill have passed through their first stages, he is in a position to name an early day for the introduction of a Bill to repeal Religious Tests in the Universities?

Mr. GLADSTONE, in reply, said, he could not at present name a day for the introduction of the Bill referred to by his hon. and learned Friend, but he would do so as soon as possible. Until there was a reasonable prospect of their being able to proceed with the ulterior stages of the Bill, there would be no advantage in bringing it in.

THE INCIDENCE OF RATING.

QUESTION.

Major DICKSON said, he wished to ask the President of the Poor Law Board, Whether, in the measure preparing to extend the Incidence of Rating, it is intended to make properties used for public purposes assessable to local rates?

Mr. GOSCHEN said, in reply, that as it appeared to have oozed out that such a provision as that referred to by the hon. Member would be in the Bill, he might as well say that it would be there; but he must ask the forbearance of hon. Members not to endeavour to extract from him the provisions of the Bill before it was laid before Parliament.

NAVY—THE WHITWORTH GUNS.

QUESTION.

Sir JOHN HAY said, he would beg to ask the First Lord of the Admiralty, If he will lay upon the Table of the House a Report of the Chief Constructor of the Navy, recommending the adoption of Whitworth Guns for the armament of the Navy, and the Remarks of General Lefroy thereon?

Mr. CHILDERS: Sir, in reply to my hon. and gallant Friend, I have to say that, after visiting Sir Joseph Whitworth and Co.'s works at Manchester, the Constructor of the Navy wrote a confidential Paper on the process used by that company for the fabrication of the new metal, and for constructing guns with it, which Report the Admiralty sent to the War Office, with a request that the decision as to the acceptance or rejection of Sir Joseph Whitworth's offer to construct an experimental gun such as the Admiralty required for the new turret-ships should be hastened. I have no knowledge of any Report on this Paper by General Lefroy, and it will be for my right hon. Friend the Secretary of State for War to consider what Papers as to the construction of guns sent to him should be laid on the table.

Sir JOHN HAY gave notice that on the bringing up of the Army Estimates he would call attention to this matter.

ABOLITION OF TURNPIKES.

QUESTION.

Sir GEORGE JENKINSON said, he would beg to ask the Under Secretary of State for the Home Department, Whether he intends to carry out during this Session, and if so when, the pledge he gave on 23rd of July last, on his requesting the withdrawal of the Resolution respecting the hardship and injustice inflicted on the Ratepayers of certain parishes by the present system of the partial abolition of Turnpikes; on which occasion the hon. Gentleman appealed to him to withdraw his Resolution—

> "Inasmuch as it was the intention of the Government to introduce next Session a measure on the subject very much in the spirit of the hon. Gentleman's Motion,"

which was as follows:—

> "To call attention to the hardship and injustice inflicted on the Ratepayers of certain parishes by the present system of the partial abolition of Turnpikes; and to move, That, in the opinion of this House, the present system of providing the cost of maintaining the Turnpike Roads of which the Trusts have expired is unjust, and inflicts great hardship on particular parishes, and in all such cases where Tolls have been or may hereafter be abolished, the area from which the cost of maintaining such Roads is levied ought to be extended, and should not be limited to those parishes only through which such Roads actually pass?"

Mr. KNATCHBULL-HUGESSEN, in reply, said, he would repeat a statement made by him on Friday night, that the Government had not pledged themselves to bring in during the present Session a Bill on the subject of the abolition of turnpikes. They had pledged themselves to give the subject their attention, with the view of proposing legislation at an early period; but, having regard to the state of Public Business, he could not promise that their pledge would be redeemed this year. The territorial arrangements for Ireland, and the educational wants of England, with a number of other measures which the Government proposed to lay before Parliament, some of them in reference to local taxation, in which the question of road management was much involved, rendered it necessary to postpone legislation upon the subject of turnpikes.

LOCAL TAXATION.—QUESTION.

SIR MASSEY LOPES said, he would beg to ask the President of the Poor Law Board, When he proposes to introduce his promised Measure for extending the incidence of Local Taxation?

MR. GOSCHEN, in reply, said, he regretted that he could not name a day for the introduction of a Bill on this subject. A great amount of work had been thrown on the draftsmen of the Government by the preparation of some very heavy Bills, but he hoped shortly to lay it on the Table.

NEW COURTS OF JUSTICE.—QUESTION.

MR. HEADLAM said, he wished to ask the First Commissioner of Works, Whether he will undertake to lay before the House the plan of the proposed Courts of Justice, as soon as the same is settled, and before any contract for executing the work is made?

MR. AYRTON said, he should be happy to lay the plans on the table as soon as they were ready.

NEW ZEALAND.—QUESTION.

MR. MAGNIAC said, he wished to ask the Under Secretary of State for the Colonies, Whether the Government has received any information in regard to the reported rising of the rebel chief Te Kooti in New Zealand; and, whether the long-promised Papers relative to New Zealand will shortly be published?

MR. MONSELL said, he must request the hon. Gentleman to repeat his Question to-morrow. The Government had, as yet, received no information of a rising, and the papers received by the last mail as to the general state of the country were highly satisfactory. If there was any rising of Te Kooti and his followers it was probably caused by the fact that the friendly natives were trying to catch him. The New Zealand Papers were in the hands of the printers, and would very shortly be published.

MINES REGULATION AND INSPECTION BILL.—[BILL 12.]

(*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen.*)

SECOND READING.

Order for Second Reading read.

MR. BRUCE, in moving that the Bill be now read a second time, said, this was not only a consolidation of all the Acts relating to the Inspection and Regulation of Mines, but also embodied those alterations which, after due consideration, the Government thought should be included in the legislation on this subject. It was not his intention to trouble the House with a long history of past legislation on this subject; he would only state the chief Amendments embodied in the Bill. The House would recollect that the first legislation upon mines was effected in 1842, when the subject was brought under the consideration of the House in a speech of great power by the present Earl of Shaftesbury, then Lord Ashley. That Bill was introduced in consequence of the Report of a Commission describing the condition of the mining population of Great Britain. He would ask those who were naturally impatient at the number of accidents and terrible calamities which from time to time occurred in mines, to glance at the speech of Lord Ashley, and then to compare the condition of the mining population at that time and the present. Children at tender years—eight, seven, and even five years of age—were then employed under ground. Women were also employed under ground in degrading tasks. The men were in a state of ignorance with which their present condition, although unsatisfactory, contrasted most favourably. The Act of 1842 provided for the cessation of the employment of women under ground, and prevented altogether the employment of children under ten, but made no provision for the education of children employed in mines. It also provided for the inspection of mines, and Mr. Tremenheere, who had since examined many a dark corner of our social system, was appointed sole Inspector of Mines, and so remained until 1850. In that year the number of Inspectors was increased to four, in 1852 to six, and in 1860 to twelve, which was the present number of Inspectors. In 1860 a Bill was introduced by the then Secretary of State for the Home Department (Sir George Lewis), but it was prepared mainly by the then Under Secretary (Mr. Clive), who displayed remarkable knowledge and zeal in the matter. The Bill became law, and another Bill passed two years afterwards, which imposed upon all collieries having a single shaft the necessity of providing an additional shaft, and prevented any mine from being opened in future without two shafts. The present Bill embodied all those Acts, with certain Amendments. He was, however, anxious to give some of the results which had been produced, not altogether by the interference of the Legislature, but which were mainly due to the increased enlightenment of colliery proprietors, their spirit of humanity, and desire to secure the safety of the mining population. For ten years, ending in 1860, the loss of life was equal to one for every 67,000 tons of coals raised. From 1864 to 1868 the proportion of loss of life was one for every 93,000 tons raised; while for the last year for which there were full Returns—1868—it was one for every 103,494 tons. However great and deplorable that loss of life was, still, if it had continued at the rate which it maintained between 1851 and 1860, it would have been 50 per cent greater than at present. It might be assumed that the average loss was about 1,000 lives a year, and but for the improvement that had been effected it would now be at the rate of 1,500 a year. These colliers, who were engaged in a trade on which the manufactures and commerce of the country so much depended, numbered 350,000, and they raised each year 105,000,000 tons of coal from 3,262 collieries. He would now refer to the causes of these accidents. Some of those causes were inseparably connected with the nature of the operations themselves, and some depended on the skill and energy, or the want of those qualities, on the part of those who conducted these operations. It was with the latter part of the subject that the Bill dealt. The utmost that could be done by legislation, or even by the greatest care on the part of those who had charge of mines, was to reduce the loss of human life. He feared, however, that nothing could prevent from to time very considerable losses of life in mining. No doubt the best of all safeguards against explosion was an ample supply and a careful distribution of ventilation. The utmost care, however, could not prevent deplorable accidents from the sudden outburst of gas. The greatest cause of the loss of life arose from the fall of the roof and the slipping of coal upon the unfortunate workmen; 400 deaths were due to these causes, and 200 only to explosion. Three-fifths of the accidents were due to those causes, and one-fifth related to the shafts. There was much to be done by great care in averting accidents from these causes; but, as long as men were men, it was to be feared that deaths would occasionally occur. The remainder arose from miscellaneous causes, such as the bursting of boilers and accidents to children and young persons employed on the tramways and waggons on which the coal was borne. The first means for the removal of these causes of accident was, beyond all question, an improvement in the intelligence of all the classes of persons connected with the business of raising coal. There was, no doubt, strong need for that improvement. The Bill did not propose to deal at present with the examination of agents and sub-agents. Great difficulty would arise in the event of agents and sub-agents employed in mines being required to pass an examination, because the result of such an examination would be at once to remove from their employment half of their number, who, although perfectly capable of performing their ordinary tasks, might not be prepared to pass the test of examination. He admitted that the question of providing a proper education for these persons was well worthy the attention of Parliament, and he regretted that, up to the present moment, that question had not received the attention it deserved. A few efforts had doubtless been made in Cheshire, Lancashire, and Cornwall, to establish schools for mining agents, but those efforts had been too few to secure more than a partial good. Although great advances had been made by the colliery population in recent years in intelligence and in education, still much remained to be done in order to facilitate their advance in that direction. Mr. Higson, in his excellent Report of 1868, attributed a great proportion of the accidents that occurred in collieries to the ignorance of the managers, the viewers, and the firemen, some of whom were not only unable to read and write, but were ignorant of the first principles which should regulate the work in which they were engaged. A great number of the accidents were, however, attributable to the workpeople themselves, who, he said, were generally rough and in many cases disobedient, and who continually disregarded the specific rules. They ascended and descended the pits contrary to the published instructions. If the roof sounded well, in answer to a blow of the hammer, they neglected to secure it; they ran the trucks on the tramways in the workings at a reckless pace, utterly regardless whether or not any human being might be on the rails; and they opened and interfered with their safety lamps, in order to light their pipes. Of course, no Bill that could be passed by the House would prevent accidents caused by such reckless conduct on the part of the workpeople themselves; but one object of the Bill was, if possible, to prevent that state of things by increasing the intelligence of the workmen. The Bill did not undertake specifically to provide for the education of the mining population; and he was anxious to explain to the House the reasons that induced the Select Committtee to make the recommendations they had done, and the difficulties that surrounded the question before them. Under the present law no child was allowed to enter a colliery until he was at least ten years of age, and not even then unless he could produce a certificate that he could read and write, or, failing that certificate, that he attended school twice a week for three hours each day. He need scarcely say that those provisions were totally inadequate to secure the education of the children. There was no security that the certificate would be given by a competent person, such as the master of an inspected school, or that the examination would be more than a mere farce. There was no definition of the proficiency in reading and writing that was required; the very slightest capacity to read and write would satisfy the terms of the Act; and even assuming that the child could read and write tolerably when he commenced work, no provision was made to insure his keeping up and extending the knowledge he had already acquired. With respect to the second provision, requiring the child who had not obtained the necessary certificate to attend school twice a week, he submitted that it could only be effectual in the case of a child who had already received a tolerable education. It was obvious, therefore, that, however excellent the Act of 1860 might have been, in many respects it had utterly failed in the matter of education, and notably from the want of co-operation on the part of the parents. The working of the Act, with respect to education, was very graphically described in a Report made by the Assistant Commissioner on Education in Scotland. Mr. Sellar said (page 27)—

> "When that Act was passed, providing that children under twelve years of age should produce certificates of school attendance, it created a considerable sensation among the miners. In one coal-mining school the teacher complained that the colliers had been in the habit of first coming to him and threatening to maltreat him if he ever refused a certificate. Of course a weakminded schoolmaster would succumb at once and sacrifice his conscience to his safety. At another school we are told that just at first certificates were given, 'but none had been demanded for a long time.' At another, none had been given for fourteen months; and in one pit, in a colliery in Ayrshire, we found that 46 per cent of the young people employed could neither read nor write, and that 8 per cent could read a little, but could not write a letter. Lamentable accounts were given on all sides of the state of brutish ignorance in which the people connected with this colliery were living. Everyone asserted that the children were taken down before the statutory age. 'I know they used to be taken down very young,' one informant said, a teacher who had once taught a school in the neighbourhood, 'because I kept a night school for the mining children, and very young ones—poor, white, stunted things—came to it unable to read a word or write a letter.'"

Mr. Sellar went down into the pit and investigated matters for himself. He found thirteen boys. "None of them," he adds, "looked much more than twelve or thirteen, and some had been five years in the pit." The result of the investigation was this—

> "Of the thirteen, six could both read and write, one could read a little, and six could neither read nor write. Of the six who could both read and write, four were Scotch and two Irish. Of the seven who could not write, five were Scotch and two Irish. Five of these seven children had never been at school at all, and did not know a letter. The other two had been at school, one for four or five years, but they had forgotten all they had ever learnt."

If that was the result of the Act in Scotland, where there was such a reverence for education, what was likely to be the case in this country? Why, in most instances, either the Act was disregarded, or else, where there was an unusually conscientious manager, a rule was made by which no child under twelve was admitted. Various plans and suggestions which had been made upon the subject were to be found upon the Notice Book in the form of Amendments, which were proposed when the Bill was before the House last Session. The first of those Amendments was that proposed by the hon. Member for the Universities of Edinburgh and St. Andrews (Dr. Lyon Playfair), and was to the effect that it should be lawful to employ a child at eleven years of age, provided he had obtained a certificate from a schoolmaster whose school was inspected by one of Her Majesty's Inspectors that he had passed an examination in Standard 2 of reading and writing. This proposition had the advantage of defining exactly the amount of education which each child was to possess before commencing work in the mines; but he thought that not only was the amount of education stipulated for insufficient, but that the rule would be unjust and impolitic, unless schools subject to Government inspection were established in the neighbourhood of every colliery. The Mining Association of England, through the hon. Member for Coventry (Mr. Staveley Hill), proposed, as an Amendment, that the present system should remain in force; but he (Mr. Bruce) thought that he had clearly shown the imperfections of that system, and the necessity that existed for reforming it. Then came the Amendment proposed by the hon. Member for Halifax (Mr. Akroyd), supplemented by that of the hon. Member for Brighton (Mr. Fawcett), which together formed the most efficient of all the proposals which had been made on the subject. The hon. Member for Halifax proposed that the employment of children should commence at ten years of age; but that between the ages of ten and twelve they should attend school three times a week for four hours each time, making a total of twelve hours' schooling in each week, but no provision was made for their compulsory attendance. His hon. Friend the Member for Brighton carried the proposition further, by extending it to thirteen years of age; but he (Mr. Bruce) had a general objection to children being taken underground at all at the early age of ten; and, if the Bill of his right hon. Friend the Vice President of the Council became law, he believed the colliery population would be among the foremost in calling for compulsory education. He believed that the application of the Factory Acts' half-time system would never succeed if applied to mines, and would only be another mode of excluding boys from employment until the half-time period terminated. Then came the recommendation of his noble Friend the Member for Haddingtonshire (Lord Elcho), which proposed that children should not enter a colliery before twelve years of age; that boys between twelve and fourteen should devote six hours weekly to education; and that, with respect to boys above ground, the six hours' education should be continued until their sixteenth year. It was difficult to understand the reason for that distinction. The Association of Working Miners proposed that no youth should be employed before he was twelve, and not even then unless he could read and write, his ability in this respect to be certified by the Government Inspector. His objection to this scheme was that it could not be said schools were sufficiently numerous to insure the education of every youth in the colliery districts, and that not half of the schools which did exist were visited by a Government Inspector. The proposition of the Government was to exclude children under the age of twelve altogether, and to leave it to their parents to see they were educated by that time. No doubt the measure would be incomplete in itself in the matter of education, but he looked to the Bill of his right hon. Friend (Mr. Forster) to supply its deficiencies. The colliery population as a body, were anxious to secure the education of their children, and he was satisfied they would approve of compulsory education for them. In Prussia and Saxony, boys were not allowed to enter collieries until a more advanced age than in this country; but when once they had entered no further provision was made respecting their compulsory education. Mr. Sandford, Inspector of Mines in one of the largest mineral districts in this country, stated that when travelling in Germany for the purpose of comparing the system adopted in that country with that in England, he applied various tests, one of which was this—he stopped some ten or twelve boys whom he met leaving work, and put into their hands a volume of Goethe; and he found that only one was unable to read it, and that was from a defect in his eyesight; and of the remainder only one could not read fluently. What would be the result if a band of boys leaving a colliery in England were required to read a passage from Shakespeare? As to the duration of workhours, the Government proposed that no person under sixteen or above twelve should be employed underground more than twelve hours a day, including one hour and a half for food and rest. His experience went to show that, considering the character of the work to which these boys were put, there was nothing in this arrangement inconsistent with their health, while it certainly enabled them to earn that amount of wages which was of great importance to them and their families. In many districts a boy of twelve could earn 9*s.* a week, and he had known boys to earn as much as 11*s.* He did not think it would be expedient to interfere more than was absolutely necessary with their means of employment. With respect to persons who were not employed underground, and in whose case the same obstacles to a half-time system did not exist, it was also proposed that the provisions of the Workshops Regulation Act, 1867, should apply; and this would prevent the employment of the few women at present occupied at night at the pit's mouth, and would also prevent the employment of children at improper times. Another improvement on the present Act was, that in order to ascertain the number of young persons employed in collieries a register would have to be kept in which the name of every boy under sixteen would be entered. The provisions of the Bill relating to weighing applied both to coal and ironstone mines, and to all metalliferous mines whatever. One of them was aimed at settling a disputed point between the masters and men. The law at present allowed workmen to appoint a man to weigh coal on their behalf, provided he were selected from those employed by the colliery proprietor; but it was doubtful whether, in the case of any misconduct on the part of the weigher, the master had the power to remove him, as he was paid by the workmen. The Government proposed to make the weigher irremovable except on the order of a magistrate, in consequence of misconduct proved before him. Another provision much asked for by the miners was that the weights and measures should be under the inspection of a Government officer, and this was granted. The miners also desired that in future all payments should be made by weight, but the Committee considered that was a matter with which Parliament ought not to deal; and in that opinion he entirely concurred. The next, and most important part of the Bill related to the safety of the mines, and in this a considerable number of alterations had been made at the suggestion of the Select Committee. That was a subject for discussion in Committee rather than on the second reading, but it was one of so much importance that he could not altogether pass over it. In the first place, the general regulation in Section 18 required that an adequate amount of ventilation should be provided in every coal and ironstone mine, so as to render harmless obnoxious gases and keep the mine in a fit state for working. The words of the present Act were that a sufficient amount of ventilation should be provided to prevent accident under ordinary circumstances; but it appeared from evidence given before the Select Committee that these words were often used by the magistrates unduly to relieve coalowners from the duty cast upon them; and in the Bill then before the House those words had been omitted, a provision being inserted to the effect that no owner, agent, or other person should be held to have contravened the regulation if it were shown that all reasonable precautions had been taken by those who were in charge of the mine. It had been objected to this provision that it threw upon masters the burden of proving that they had provided sufficient means of ventilation, and that the accident was caused by some extraordinary circumstance. This, however, did not seem to him to be unreasonable. The master would not be without evidence to show that a sufficient quantity of air was sent down the mine, and properly distributed, even if all traces of the cause of the accident had disappeared, nor would it be difficult to show that there was a sudden outburst of gas or a sudden interfering with the air passages if the accident had arisen in either of these ways. In spite of the existence of proper means for ventilation, of course an accident might happen; but any Judge on trying the case would, if proof of sufficient general ventilation were given, perceive that it was due to some extraordinary cause. One of the Inspectors examined before the Select Committee mentioned an instance where his insisting upon a larger supply of ventilation than had previously been used resulted in a dreadful calamity being averted. In the mine in question he found on his first inspection that there were only 12,000 cubic of air in a certain space, but by dint of constant and urgent pressure, the quantity was gradually increased until it amounted to 80,000 feet. Immediately after this had been done there burst out a quantity of gas greater in volume than he had ever known to escape, and had it not been for the augmented supply of air it must have met with a naked light before being diluted with a quantity of air sufficient to render it harmless. This dangerous gas did not ignite till it was mixed with four times its bulk of air, and it continued explosive until it was mixed with fourteen times its bulk of air, when it ceased to be so. If, however, it met, in the meantime, with a naked light an explosion would be the immediate consequence, and perhaps every collier underground at the time might be killed. It seemed to him that there ought to be in every mine a surplus supply of air over and above what was required under ordinary circumstances, and he should be ready to consider any suggestion which might be made for altering the clause, provided it were consistent with the main object in view—namely, the securing of an ample supply of pure air. One recommendation of the Select Committee had not been embodied in the Bill as a general regulation. It had reference to the coalowners providing timber for the purpose of preventing the downfall of the roof. That matter ought, in his opinion, to be dealt with by special rules rather than by general regulations, and he should, therefore, not be unwilling to revise the regulations now in force on the subject. The next alteration to which he would advert related to the mode of conducting arbitrations. Under the present system, when a dispute arose between an Inspector and a coalowner as to whether sufficient provision had been made for the protection of a colliery, the coalowner named five persons as arbitrators, and from these a selection was made by the Secretary of State. This mode of procedure had been found inconvenient in many ways, and it was, therefore, provided by the Bill that in disputes of this kind the old-fashioned mode of arbitration should be followed, each party naming one arbitrator, an umpire being appointed in the usual way, and the costs apportioned by the arbitrators themselves. The next subject was that of inspection, but it was not proposed to introduce any alteration in this respect into the existing system. He was fully aware that in many quarters a strong desire was felt for an extended system of Government inspection; but he was not prepared to recommend any considerable addition to the present number of Inspectors. He would state the reasons which had led him to this conclusion. It was clear that originally the Inspectors were not intended to perform the tasks which they were now called upon to undertake, of visiting every colliery once a year. Indeed, the number of Inspectors appointed in the first instance showed that such an intention could not have been entertained. At first, only one Inspector was appointed, but five others were afterwards appointed, and the present number of Inspectors was twelve. In some quarters it had been suggested that all mines should be visited by a Government Inspector every six months, while the working miners were of opinion that the inspection should be renewed every three months. Juries had also, on several occasions, and particularly in both the cases arising out of the lamentable and fearful accidents at the Ferndale Colliery, recommended a quarterly inspection of mines. Now, he would not refer, except for a moment, to the mere cost of carrying out such a proposal. Several Inspectors whom he had consulted on the subject had informed him that there were in their respective districts mines which they could not properly inspect under three or four days. One Inspector, indeed, stated that one of the mines in his district could not be thoroughly inspected under fourteen days; while another—Mr. Atkinson—mentioned one colliery the mere cursory inspection of which would render it necessary for him to travel eighty-eight miles, and at least half of the distance with his back bent double. He had endeavoured to ascertain what number of Inspectors would be necessary to satisfy, even in the most cursory manner, this demand for a quarterly inspection of mines, and he did not believe it could be done without at least 220 Inspectors. Moreover, he was of opinion that the result, instead of being advantageous to the colliers, would be directly the reverse. He earnestly hoped that the House would pay serious attention to this question, for it was absolutely impossible that in a matter of such a kind there could be divided responsibility. The more responsibility the House threw upon the Government, the more they would relieve the coalowners from responsibility. Perhaps six, ten, or even twenty, additional Inspectors might beneficially be appointed, and if it were found that an addition was required, it should be cheerfully made; but a quarterly inspection of mines would demand the large number of Inspectors to which he had just alluded, while the result would be that whenever an accident occurred the coalowners would exempt themselves from responsibility on the ground that the Government Inspector had recently visited the mine, and certified that its condition was satisfactory. The only real and successful inspection was that conducted by the owners and managers of the mines, and the men; and, on this point, he would refer to a statement made by Mr. Atkinson, which showed how the very best system of inspection might be carried out without any Government aid. Mr. Atkinson stated that—

> "Mr. Dalglish, the mining engineer and general manager of Earl Vane's collieries, has organized a system of voluntary inspection at many of the collieries under his charge, by which some of the workmen are made to examine all parts of the mine at stated intervals, to ascertain, as far as they can, the state of the airways, and to consider the general state of the mines with respect to safety, and to report in writing to him the result of their inspection and investigation; and I have reason to think it answers a good purpose, and gives general satisfaction to the workpeople employed in the mines; and I should anticipate receiving, as Inspector of Mines, a complaint from the workmen if they found anything dangerous and requiring my attention,. unless the danger was such as to admit of being quickly remedied, and the agents arranged to have it rectified at once."

This practice of the men taking into their own hands the inspection of the collieries was self-working; it operated every way, it met every danger as it momentarily arose; and he was also glad to say it was not restricted to the district inspected by Mr. Atkinson, but was established in many other parts of the country. A large coalowner in his own part of the county stated to him that he not only encouraged his workmen to give notice of any danger which might be apprehended, but always gave a money reward to any workmen who discovered any real danger He believed that in the enormous majority of cases the employer or head agent would not neglect any caution so conveyed to them. The system he had just described was one of mutual confidence which ought to exist between master and men. The Government might contribute to their safety, but only in a very slight degree, and he therefore implored the House not to sanction any material departure from the system already in force. He had seen it asserted, he believed by some Member of that House during the Recess, that he had said the only duty of an Inspector was to go to inquests and examine into the causes of accidents after they had happened. Now he denied that he ever made such a statement. An Inspector ought to acquaint himself with the general condition of the collieries, and to visit any which he thought were in a dangerous condition; and it was also his duty to pay immediate attention to any warning given to him of danger existing in a mine. Indeed, there was not a single Inspector who had not during the past year received many such notices, or who had not immediately acted upon them. It was not the business of an Inspector to investigate every colliery, and to look into every remote heading and see whether the ventilation was properly conducted. He felt satisfied that the substitution of Government agency for the natural interests of the masters and workmen could only be attended by calamitous results. There remained, he was happy to say, but one subject on which he need detain the House, and that was the alteration with respect to penalties. Under the Act as it now stood, the infringement of the rules by the owner or his agent was punishable by a fine of, he thought, not more than £20 and not less than £2, with a continuing penalty of £1 for every day the offence was committed after the receipt of notice. Infraction of the rules by the men was also visited by fine, or, if the offence was sufficiently aggravated, by imprisonment at the will of the magistrate. The workmen had justly expostulated at this distinction; and it was his belief that if it could be shown that there had been neglect on the part of the agents, sub-agents, or even the owners, and that this neglect had knowingly been committed, they ought to be liable to imprisonment as well as the men, especially as there was in their case greater knowledge and less excuse. In connection with the last Ferndale Colliery explosion, it was proved that several of the workmen had warned a viewer of the danger that existed in certain parts of the mine. He neglected to take any precautions, and the result was that an explosion occurred by which a large number of persons lost their lives. It certainly appeared to him that if no such explosion had occurred the negligence of the viewer was as deserving of imprisonment as would be any infraction of the rules on the part of the workmen. He perceived that only lately at the same mine a workman was sentenced to three months' imprisonment for lighting his pipe in the mine, and there could be no doubt that the punishment was a just one; but, considering the danger which attended neglect on the part of the owner or his agents, he thought that it was simply a measure of justice that both parties should be liable to the same punishment whenever they wilfully disobeyed the rules. Another reason impressed upon him that this alteration was salutary. Whatever might be the case in other parts of the kingdom, in his own part of the country (South Wales) there was a very decided sympathy among the workmen for any of their fellows who were sent to prison or fined for infringing any of the colliery rules, although the offence might be one which exposed the lives of all the workmen to great danger, and although, according to the common sense of mankind, the punishment was not a whit too heavy for the offence. If a fine was imposed in South Wales upon a pitman, the money was subscribed by his fellow-workmen. This state of things could not result from mere stupidity or recklessness; there must be something else, and that something was to be found in the sense of relative injustice in the treatment of master and workman. When masters and workmen were placed upon the same footing, he believed the workmen would take a healthier and juster view of their duties towards each other, and would visit, not with sympathy, but with indignation, the conduct of any of their fellows who imperilled the lives of their brother-workmen by their reckless conduct. Having gone through all the principal alterations of the Bill, he hoped the House would accept them, for they would, if adopted and carried out, contribute greatly to the safety of this large and interesting population. The Bill had already received much consideration and criticism, of which he had readily availed himself; and believing that it would meet with the general approbation of masters and men, he hoped it would be passed for the welfare and safety of so numerous and so important a class of the community.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Bruce.*)

Dr. LYON PLAYFAIR: Having been employed by Government to inquire into the causes of accidents in mines, I may be permitted to address the House for a few minutes on the subject-matter of this Bill. The accidents in mines against which we hope to guard by our legislation are of different kinds, and four-fifths of the whole result from mechanical errors—that is, from defective protection either in the mine or the shaft or tramways from consequences which are avoidable if the mechanical operations are conducted with skill and vigilance. The accidents due to chemical causes, arising from the immediate or after effects of explosive gases, form only one-fifth of the whole, or, upon an average about 200 deaths in the year —not much more for the whole kingdom than the deaths which result annually in London from the slaughters produced by the ill-regulated traffic in our streets. Nevertheless, it is these which call forth most active sympathy, not only because they are preventible, but chiefly from the fact that they rarely occur in the deaths of isolated individuals, for one explosion may sweep away fifty or a hundred human beings at a time. We possess approximate statistics of accidents since the middle of last century, and more accurate ones for the last twenty years. I do not intend to trouble the House with any account of these, but would only draw attention to the fact that the discovery of the safety lamp in 1815 did not arrest their increasing number, though the reason for this doubtless is that it gave a great impulse to mining, largely extended the area of its operations, enabled deeper mines to be worked, and fiery seams to be attacked which were shunned before its discovery. Our period of legislative activity began in 1835, and since then has been an unbroken succession of Parliamentary Committees, Government Commissions, and Acts of Parliament for the safety of the mining population. For a long time these efforts were fruitless, and accidents continued to increase. At last we seem to have reached a stationary period, in which the deaths from accidents remain nearly constant at about 1,000 per annum, while the production of coal has nearly doubled compared with that of twenty years since. This indicates progress, though there is still much cause for regret. We have many encouragements to proceed when we find that there are certain coal-fields which are worked with the sacrifice of only one life for every 150,000 or 180,000 tons of coal raised, while others sacrifice a life for every 60,000 tons. What is attained in one coal-field may be difficult, but is still capable of attainment in another field. All the numerous inquiries which have been published for our guidance indicate two main conditions of safety—full responsibility, and competent knowledge on the part of the employers and the employed. The responsibility rests upon the owners, and ought never to be assumed by the Government through any too-detailed system of inspection. I am glad to find that the Home Secretary does not contemplate any material increase in the number of Inspectors or sub-Inspectors. The responsibility of owners and their officers cannot be too sharp and defined. There is as much discipline required in a fiery mine as in a ship during a storm, and Inspectors should not be placed in the position of supercargoes, to interfere in the working or to lessen the responsibility of the officers. But there is also a responsibility upon the miners, who are bound to second the owners in their efforts to secure safety. There is no sort of work in which the full responsibility of superintendence and responsibility in execution are more necessary than in mining operations. Now, the Bill which the right hon. Gentleman asks us to pass deals with this condition of responsibility wisely and well. It consolidates and simplifies the laws already existing, and adds important provisions for increased security. But I do not think that it deals sufficiently with the second condition of safety, the security of competent knowledge on the part of the employers and employed. Let me explain this very briefly. The main condition for the health of miners, and for their safety against explosions, depends on effective ventilation. A mine is usually ventilated exactly in the same way as this House; and if hon. Members will take a walk in the dark mine-like passages under the floor, they will get a tolerably accurate acquaintance with the system. In this House, as in a mine, a large furnace acts as a pumping-engine, and pumps the air through the House, sweeping out the foul air into the upcast shaft or chimney. But though the system of ventilation in this House is exactly the same in principle as that of a mine, it is far more simple, for in the latter there may be fifty or more miles of narrow roadways, passages, and abandoned workings, which must be cleared of dangerous and foul gases. These two present themselves very unequally. In mines there are the goaves or vaulted ruins of old workings, in which explosive gases accumulate; they are always a source of danger, because from their nature they cannot be well ventilated. A mere fall of the barometer, a sudden rise perhaps of the thermometer, with a turn of the wind to the south-west, allow these imprisoned gases to vomit into the passages and workings, and may thus suddenly increase the danger. But more dangerous still is the tapping of some bag or reservoir of inflammable gas under high pressure, and this rushes out in a sudden eruption so as altogether to master the ordinary resources of ventilation. The gas escaping in this way has sudden starts of violence beyond control. In some cases on record it has rendered the air explosive for five or six hundred yards of passages in a couple of minutes. It is in such cases as these that the qualities of miners and of their officers are put to the test, just as in the crisis of a battle victory depends on the pluck and discipline of the soldiers as well as on the skill of their generals. Under ordinary circumstances, the conditions of ventilation in most mines are amply sufficient for safety. But in the emergencies which are the chief causes of accidents, and frequently the results of deplorable error, high knowledge on the part of officers, and intelligence on the part of men, are requisite to counteract them. In this House, in which our ventilation is subject to no such emergencies, do we think it sufficient to intrust its superintendence to practical persons without scientific knowledge? No! We employ a professional chemist of high standing to be responsible for our health and safety, and an officer under him who also possesses scientific knowledge. Can we be surprised, therefore, that miners, who value their lives and safety as much as we do ours, should ask for science and skill applied to perils vastly greater, and to ventilating arrangements infinitely more complex than those necessary in this House? They feel the sense of their insecurity, and have humbly petitioned us in the following words:—

> "That your honourable House will cause all agents, overmen, or chief managers of mines to be subjected to a scientific examination . . . . . . previous to any mine being placed under their charge."

That this petition is not unreasonable is proved by the good effects which have followed such a course in Belgium and France. The miners know that Parliament has given to common seamen protection against the ignorance of their officers by requiring them to take certificates of competency, and it is surely not unreasonable to ask for like security for their own occupations, which are surrounded by equal perils. There are, no doubt, difficulties in the way, but so there are in every case in which you try to secure guarantees for knowledge. No doubt, there are now some excellent managers of mines, as there were formerly excellent masters and mates in the merchant service, who could pass no sort of scientific examination. But this did not deter Parliament from giving to seamen the security of certificated masters or mates, nor should it deter us from giving to miners certificated officers of mines. The Government have had at various times Commissions of scientific men to examine into the causes of accidents in mines. The first consisted of Sir Charles Lyell and Faraday, the second of Sir Henry de la Beche and myself, the third of Professor Phillips. Well, all of these Commissions reported that you would never materially mitigate accidents till you secured a scientific supervision of mines, and spread a greater amount of intelligence among the operatives. I am not about to weary the House with quotations; but perhaps you will listen to a few words from one of England's most illustrious philosophers, recently dead. Faraday said—

> "We believe, therefore, that if the education of miners generally, and especially of those set over them, can be materially raised, it will conduce to the security of the lives of the men, and the perfecting of the art of mining, more effectually than any system of Parliamentary inspection which could be devised."

I am sorry that the Committee of 1867 did not see their way to recommend measures in this direction, for it is clear that they felt its importance. All of us who have had to do with miners know the recklessness which is engendered by the perilous nature of their occupations, and which can only be mitigated by giving them an intelligent understanding of the dangers around them; for these can be counteracted by skilful combinations and prudent conduct. Yet all evidence shows that in many districts the greatest ignorance pervades the mining population. At the Haswell explosion, only half the witnesses at the inquest could sign their names. After the Jarrow explosion, it was my duty to descend the mine while 600 acres of it were still filled with explosive gas. As ventilation could not be re-established, we were obliged to rely on air driven down the single shaft by a stream of water which we turned into it. Under such circumstances, it required all the knowledge and prudence of every member of the exploring party to ensure our lives and prevent the destruction of the mine, and yet the deputy-overman and the master-wasteman, who acted as our guides, could neither read nor write. In the last twenty years there has been much educational improvement, but still ignorance prevails extensively. In a mine, which must be conducted as if danger were ever present—for no conceivable combination of diligence and empirical skill can always be sufficient to ward it off—we allow owners of collieries, their agents, officers, and men to give no security that they possess a knowledge of the principles involved in their dangerous occupation. A practical experience suffices for the every-day work of a mine, but it is only an instructed intelligence that can meet the sudden emergencies to which accidents are mainly due. The most perfect system of ventilation may be misdirected and deranged by ignorant men; the Davy lamp may be so unwisely handled as to imperil the lives of those whom it is intended to protect, while the advice of Inspectors and the disciplinary arrangements of mines may be rendered useless by some uninstructed persons, who from not understanding their value, mistook their import. The Committee of 1867, while wisely declining to take schools in mining districts out of the general national scheme of education, strongly urge "that they should have regard to the customs and exigencies of operations incident to the working and management of mines and collieries;" but I am not aware that the Committee of Council ever paid the smallest attention to this recommendation, or raised their vision beyond the three R's. Standard III. of the Revised Code will never give to miners an intelligent understanding of their dangers. Surely they ought to be taught something regarding the air used in ventilating the pits, and the conditions in which it will give to them safety or death. They might be taught the principles of the safety-lamp so as to show them that when they keep it dirty, or greasy, or poke holes in it to light their pipes, they are making it a lamp of danger and not of security. They might be taught a few principles of mechanics, so as to avoid using their prop-wood in such a way as to allow the roof to crush to death 400 of them every year. But such simple applications of knowledge in our elementary schools, though given in every other European State, to suit the occupations of districts, are far beyond our ideas of public schooling in England, and so we must be content for a time at least to see 1,000 miners perish annually. In conclusion, let me repeat that I think this Bill deals skilfully and wisely with one half of the question—that of indicating ascertained precautions, and of compelling their observance. But it leaves untouched what I believe to be the greater half of the question—a skilled knowledge on the part of officers of mines, and a prudent intelligence on the part of miners. I do not doubt that the measure is well calculated to fulfil the purposes for which it is framed, and for this reason I will gladly vote for its second reading, and support most of its clauses in Committee. But I have taken leave to explain to the House the reasons of my conviction that we cannot hope from it any further large mitigation of the calamities we deplore, until we are prepared to grapple with both the conditions which involve the safety of the mining population.

LORD ELCHO said, he was glad that the hon. Gentlemen who had just spoken, and who had acquired personal knowledge of the question under discussion as a Member of a Government Commission, had given the House the benefit of his views with respect to it. The importance of the Bill of which the Secretary of State for the Home Department had moved the second reading, could scarcely be over-rated; indeed, considering that its object was to provide for the safety of a population of 350,000 persons, it was almost worthy of ranking with the two great measures which the Government had already introduced. The utility of the object which the right hon. Gentleman had in view being admitted, the question was, how that object could best be attained. How far, then, did the Bill represent the opinions of the miners themselves, and how far were its provisions approved by the employers? Last year three or four conferences had been held between the miners and the owners. The hon. Member for North Durham (Mr. Elliott), who employed 10,000 men, and who had great personal experience in the working of mines—for he had stated before the Trades' Union Commission that he had begun life in the pit—the hon. Member for the City of Durham (Mr. Henderson), the hon. Member for Wigan (Mr. Lancaster), the hon. Member for Stoke (Mr. Roden), the hon. Member for Wednesbury (Mr. Brogden), and the hon. Member for East Stafford (Mr. McClean), who then conferred with the miners, might be taken to represent the most intellligent views entertained among coalowners and masters in that House, and they had been met by a most intelligent body of working men. If any one doubted the value of conciliation and arbitration between operatives and their employers he should have witnessed the frank and manly spirit in which they had been met by the men, and in which questions in which both parties were interested were discussed. The result of the meetings which had been held last year was that certain Amendments were agreed to and placed on the table of the House. On Friday last they got together as many of these Gentlemen as could, at a short notice, be found, and the hon. Members for Wigan and Stoke had an interview with two delegates of the miners, and they had gone through the Bill of the right hon. Gentleman, and compared it with the Bill of last year and the Amendments to which he had just referred. As to education, they had not discussed that subject, because they thought it would have been, so far as they were concerned, brought within the scope of the general Education Bill of the Government. But there were other points of great importance to which their attention had been directed. The measure before the House provided that no child under the age of twelve should be employed in a mine, but that between the ages of twelve and fourteen children might be so employed for twelve hours a day, with an hour and a half's interruption for meals; and, what his right hon. Friend did not mention, ten hours were to elapse between the periods of their employment. The effect of this practically might be that fourteen hours of labour might be obtained—that is to say, pits could be so worked that the children would be employed for eighty-four hours per week instead of seventy-two hours. Last year the position taken up by the miners was that no child under fourteen years of age should be employed for more than eight consecutive hours. But a compromise was arrived at, by which children between the ages of twelve and fourteen might work fifty hours in the week, and children between fourteen and sixteen, fifty-six hours a week, but in no period of twenty-four hours were any between twelve and sixteen to work more than twelve hours from bank to bank—that was to say, from the time when they went down into the pit till they emerged again into the light of day. The coal-owners laid great stress upon the need of non-interference with the running of their machinery, and of being able to run this for ten consecutive hours; but eventually the compromise which he had mentioned was arrived at. He hoped his right hon. Friend would not object to the insertion in the Bill of some provision giving effect to it—at least, that he would not refuse to give it his favourable consideration. One Amendment had been inserted which was perfectly fair, and was clearly in favour of the employers—this was that if the master objected to the weighman whom the men might appoint he should have the power of going before the magistrate and getting him dismissed. He next came to the question of registry. There was to be a registry of young persons under sixteen employed in mines. At the meeting on Friday it was thought very desirable that this should be extended so as to include all persons employed in the mines, and an illustration was given of the need for such a provision. In one of the unfortunate accidents that had occurred it was impossible to discover whether a particular man was below at the time, and his brother, having searched for him incessantly for days and days, at last went out of his mind; the fact being that the missing man, without the knowledge of any of his family, had gone off to another part of the country, and was perfectly safe all the time. In speaking just now on the question of hours, he had omitted one point. His right hon. Friend proposed that of the twelve hours which children were to be allowed to work, one hour and a half should be set aside for meals. The note which had been made on this proposal was "well-intentioned, but impracticable." Persons well acquainted with the working of mines stated that children were employed in such very different modes—some with their parents, some with contractors, some in charge of doors or workings which they could not leave—that it would be impossible for them to give regularly an hour and a half to meals; the workings also were of such vast extent—they had heard of some mines extending over eighty miles—that it would be impossible, even with an army of Inspectors, to enforce the observance of such a rule. The 18th clause was thought to require amendment, as being too stringent in its terms. A mine in which ordinarily the ventilation was perfect might, through some accident which could not reasonably be foreseen, such as the liberation of gases by the falling of the roof, or the workmen coming suddenly upon a "fault" or cavity in which there happened to be a great accumulation of gas, have the whole current of air displaced. Words ought to be introduced into the clause guarding its operation against a contingency like this, which might happen in the best regulated mine. The Amendment which was proposed by the hon. Member for North Durham had been agreed to, both by the representatives of the men and of the owners of mines last year, and this year they had endorsed their former decision. Last year there was a distinction between the penalties which could be imposed upon masters and men, the latter being liable in certain events to imprisonment, while the owners could only be punished with a fine. This year the penalties had been assimilated, and accidents produced by carelessness were now punishable in either manner at the discretion of the Court. Both mineowners and miners, however, felt that the clause required to be very carefully guarded. As the matter stood, both parties felt that they were liable to be caught in a legal mesh. A mineowner might be at a distance—attending the Œcumenical Council, for instance—and in case of accident might be summoned home to undergo imprisonment. Since he entered the House that evening, the same point had been suggested to him even more strikingly. Earl Granville, who was a great coalowner, might be leading the deliberations of another Assembly, and be called away to answer for carelessness on the part of some of his viewers or his managers, if an accident in one of his mines led to loss of life. But the real question, after all, was inspection. On that the miners felt more strongly than they did on any other. The name of "Inspectors" was a misnomer, for the Inspectors did not profess to go into the mines; they merely held an inquiry when an accident had occurred. Accordingly, they might with much more truth be called "Accident inquirers." Any attempt at inspection, under present circumstances, must obviously be a farce. With a staff of only twelve Inspectors, it was impossible to attempt it; and his right hon. Friend did not propose any change in the number of the Inspectors, though he pointed out that, by the consequences of what they had already done, the ratio of deaths from colliery accidents had been materially reduced. The number of Inspectors had been increased from one to four, and then to twelve. He accepted the statement of his right hon. Friend that, if the number of deaths in proportion to the quantity of coals raised had continued at its former level, we should now have 1,500 deaths annually, instead of 1,000. But that was an argument for going further in the same direction; and, whatever might be the present duties of the Mine Inspectors, the wording of the Acts of Parliament—under which their office had been created—clearly showed that the intention of Parliament, at the time those Acts were passed, was, that there should be a *bonâ fide* inspection. The Preamble to 13 & 14 *Vict.* c. 100, ran thus—"Whereas it is expedient that provision be made for the inspection of coal mines, be it enacted" that the Secretary of State do appoint Inspectors. Under 18 & 19 *Vict.*, additional Inspectors were appointed. The 23 & 24 *Vict.* (1860), repealed the former Acts, save as regarded the appointment of Inspectors, and section 16 of that Act was as follows:—

> "It shall be lawful for any Inspector to enter, inspect, and examine any coal mine, colliery, or ironstone mine, and the works and machinery belonging thereto, at all reasonable times by day or night, but so as not to impede or obstruct the working of the said coal mine, &c., and to make inquiry into and touching the state and condition of such mine, &c., and the ventilation of such mine, and the mode of lighting or using lights in the same, and into all matters and things connected with or relating to the safety of the persons employed in or about the same, and especially to make inquiry whether the provisions of this Act are complied with; and the owner is hereby required to furnish the means necessary for such entry, inspection, examination, and inquiry."

The 17th clause provided that if any Inspector finds any matter, thing, or practice, dangerous or defective, so as in his opinion to threaten bodily injury to any person, he shall give notice to the owner or agent and report to the Secretary of State. If the owner objected arbitrators were to be appointed. The 19th clause provided that in case of accident, loss of life, or personal injury from explosions or other cause, the owner or agent is to report the same to the Inspector of the district. Now, he contended that those clauses would never have been so worded if it had been intended that the Inspector was to wait till an accident had occurred, or till somebody wrote and told him that there was danger. The Inspector was not to come into play just when the mine was in an abnormal state. They were not to lock the door after the steed was stolen. Looking to the plain English of these Acts, looking to what was done in foreign countries—in America, in France, and in Belgium, where mines had to be inspected several times a year—looking to the legislation they had themselves adopted for factories, which required inspection to take place once in six months, he could not but think that the House might do one of three things—either carry out the wishes of the men that there should be proper inspection, no matter if it cost some money—an army of Inspectors—they had forty or fifty Factory Inspectors—or they might change their name and call these persons Inquirers into Accidents; or they might adopt the proposal of the hon. Member for the University of Edinburgh (Dr. Lyon Playfair), that in all cases the overseers and managers of mines should be properly examined. This was a matter on which the miners felt most keenly. They looked on inspection as the whole soul of the Bill. At the meeting which was held on Friday he ventured to make the proposal, in order to bring about a better state of inspection, that each Inspector should be directed to inspect the mines in his district every six months, and report the state of ventilation and other matters to the Secretary of State. That was accepted by the men, by the hon. Member for Durham City, and by the hon. Members for Stoke and Wigan. When the House went into Committee he might think it his duty to try that question in the Lobby. He hoped the House would be prepared to show that they were inclined to pay attention to the something like remonstrances which had been addressed to them, and would urge the Government to give something more definite in the way of inspection than they now had.

Viscount MILTON said, he quite agreed that they could not afford to do away with the inspection of mines. It was not just that every responsibility should be thrown on the shoulders of owners and agents without any supervision, and without the power of carrying out the rules and regulations they might make. They could not prevent accidents, unless they followed the men at their work. It was impossible to prevent men smoking; they would smoke, which not only endangered themselves, but threw the onus of liability for any accident on those who were not responsible for their individual acts. With regard to inspection he entirely agreed with the noble Lord (Lord Elcho). He hoped, if Inspectors were not done away with altogether, they would cease to be *post mortem* Inspectors.

Mr. PEASE said, he thought his right hon. Friend (the Secretary of State for the Home Department) had taken quite a practical view of this matter. He was exceedingly happy in his attempt to consolidate the statutes relating to mines, and he hoped that when the Bill issued from Committee it would be a Bill that would promote the inspection of mines and add materially to the safety of those who worked in them. He would suggest that his right hon. Friend should schedule, at the end of his Bill, those parts of the Workshops Act of 1867 which were applicable to this measure, as all mine managers are accustomed to exhibit with the rules an abstract of the Acts of Parliament on which they were founded in some conspicuous part of the mine, for the information of miners. He also hoped some little time might be allowed to elapse before they went into Committee on this Bill, as it had as yet been impossible for Members to hear from the country. The question ought to be fully investigated, not only by masters, but by men, throughout the mining districts. With regard to education, he was prepared to go a good deal further than his right hon. Friend. Last year he urged, by Amendments placed on the Paper, the propriety of enacting that no boy under twelve years of age should be allowed to go down a pit unless he had a certificate of proficiency in reading, writing, and the first four rules of arithmetic from a qualified schoolmaster; but if the Home Secretary did not propose that in Committee, he was not prepared at present to move an Amendment. In well-regulated collieries boys under twelve were not allowed to go down the pit, but there being no general provisions on this subject, the consequence was that parents who were most anxious to get the greatest amount of work out of their children moved off to collieries where little boys were taken in. Now he thought that acted harshly against these little children, and against miners anxious to maintain so good a rule. He was aware that certain exceptions were made in the Truck Act for education, medical attendance, and other things, but he thought they might very easily add a provision to give every mineowner who provided for the education of children belonging to his mine power to deduct a penny in the pound from the wages of the men — taking care at the same time to publish on two consecutive pay days annually the amount of deduction, and how it had been appropriated—provided the children were sent to a school under Government inspection. The House was sometimes misled by figures, and though he was far from wishing to undervalue either the necessity for the Act or the lives which were annually lost, he would like to point out that according to the Returns of the Registrar General, during the last five years the deaths by accidents in mines had been 5,128, or about 1,000 in a year; while those from chemical accidents, burns, and scalds, had been 14,942, or nearly 3,000 in a year; from mechanical accidents, 28,000, nearly 6,000 a year; from accidents in travelling, 23,000; and by violence of different sorts, 6,890. The impression which was entertained of the rough and rude character of the miners would not bear the test of investigation in the district he had the honour to represent. Comparing the wages of the miners in South Durham with the wages of the agricultural class in the eastern and southern counties, he found that the amount of money received by the former would enable them to live much more comfortably than the latter. Mr. Morell, the Government Inspector, had reported that the average wages of the men in the coalfields of Northumberland and Durham was 27*s*. per week, and that hardly any of the men would object to pay 4*d*. a week for the education of each of their children. Moreover, each man had his house and coals free, and received medical attendance on paying 6*d*. a fortnight. These particulars contrasted strongly with the 7*s*. or 8*s*. per week earned by the labourers of Dorsetshire. He believed that the morals, the whole condition and education of miners were attended to much better than those of most other classes of the working population. The hon. Member for the University of Edinburgh had said a good deal about the ignorance of the pitmen: but if the hon. Gentleman would read the regulations enforced in most of the large collieries in South Durham he would find that the duties devolving upon those men were such as it would be impossible for an ignorant man to carry out; for the overman and his deputies had before the commencement of work to go down into the pit to ascertain that all the parts of the pumps were in safety, and they must pay due attention to the lamps, and observe and adjust and register in the journal the barometer. These were duties which could not be confided to ignorant men, and yet were daily and duly discharged by hundreds of persons in the coal districts of England. With regard to inspection, he would be the last to grudge any amount of it. The owner of a coal mine never was so easy as when the Inspector had just been down. He felt whitewashed up to that day, and that he had a good start for the future. If more Inspectors were to be appointed, to be paid out of the Consolidated Fund, the owners would welcome them. But he strongly protested against the idea of appointing sub-Inspectors. It must be remembered that mining engineers of eminence were consulted by almost every coalowner, and that, besides these, the persons in charge of the larger mines were men of high scientific attainments, receiving £800, £1,000, £1,500, or even £2,000 a year; and the Government could not place individuals of inferior talents above them. The Inspectors must be their equals, and a sub-Inspector who might be an overman's brother or brother-in-law would not be tolerated by them. With regard to the education of the pitboys, his right hon. Friend had said that he should not like to ask a dozen boys coming from a mine to read a passage from Shakespeare. Well, he (Mr. Pease) could only say that he knew districts in Durham and in Wales where he should not be afraid of handing to the great majority of the boys employed any volume of standard English literature, and asking them to read passages from it. He desired to say a word respecting friendly societies among the miners, to show what these men had done for themselves. After the Hartley Colliery accident a sum more than sufficient to meet the wants of the widows and orphans of the sufferers was accumulated through the generosity of the public, and the surplus was distributed among different coal districts. In the North of England it was determined to make the sum of £4,300 apportioned there the nucleus of a benefit society, and they started the Northumberland and Durham Provident Society, which now numbered 11,000 members. Its constitution was very simple. The payment of 1*s.* conferred the right of membership, or 6*d.* in the case of lads under eighteen. Adult members contributed 7*d.* per month; lads under eighteen, 3½*d.* In return the following advantages were secured:—The widows of men killed received 5*s.* per week during their widowhood, 2*s.* per week for the first child, and 1*s.* 6*d.* per week for each other male child up to twelve years of age, and 1*s.* 6*d.* for each girl up to fourteen years of age. If there was only one child, 2*s.* per week were allowed. The nominated representatives of single men deceased received a sum of £23 in cash. There were now on the society ninety-six widows and 176 children. Members permanently disabled received 8*s.* per week, of these there were now thirty-six. The society had already a capital of £10,000 invested in Consols, and in railway, and other securities, its rules were registered by the late Mr. Tidd Pratt, and its tables settled by Mr. Wm. Spens, the eminent Scottish actuary. He was convinced it would be of great advantage if this example were followed in other coal districts. It was stated at an inquest by the Government Inspector for the Manchester district, Mr. Higson, that the great number of the accidents in mines might be attributed to excess in drinking on the part of the men. Now, that was a subject to which he (Mr. Pease) had given a great deal of attention, and, on the whole, he believed that the pitmen were not to be considered a drinking race. But the facilities offered them—and especially in the late state of the law—and their want of means of amusement, did, no doubt, occasion a great deal of drinking upon pay night, and on the following Sunday and Monday. He found, upon investigation, that every man in a particular mine lost, on the average, three-quarters of a day's pay a week in that manner—a serious matter, that deserved the attention of the Executive. A mining engineer had stated, before the Committee on Mr. John Abel Smith's Sunday Closing Bill, that he believed many accidents arose, not when the men were actually drunk, but when they were suffering from the after-effects of a recent fit of intoxication; and, in support of that allegation, the witness was unable at the time to adduce any positive proof, but had afterwards forwarded to him (Mr. Pease) the return of a hospital specially devoted for sufferers from mining accidents, which showed that 22½ per cent of the accidents came in on Mondays, 22½ on Tuesdays, and only 13 per cent on other days. He should be very sorry to suggest that all those accidents were brought about by the fault of the men themselves. Many, no doubt, were, in the full sense of the words, casualties beyond control or anticipation; but it was equally certain that many were the result of carelessness. He rejoiced at this fresh attempt to legislate on this important subject, and he hoped by the acceptance of Amendments in Committee the Bill would have all that fruition which every Member of the House must heartily desire.

Mr. LIDDELL said, he rejoiced to find that there was no intention to offer opposition to the Bill at this stage, because he had never before seen such a disposition on the part of both masters and men to discuss this question in a calm and conciliatory spirit, and he hoped that hon. Members would approach the details of the measure in a similar spirit. He would add his voice to that of the Secretary of State for the Home Department in earnestly asking the House not to attempt in any way to remove the responsibility from off the right shoulders; because over-legislation would either transfer the responsibility to the wrong shoulders, or would make that responsibility itself too heavy to bear. The hon. and learned Member for the University of Edinburgh (Dr. Lyon Playfair) appeared to support a view which occupied the attention of the Committee—that viewers employed in mines should be subject to examination, and, presumably, should hold certificates; but the Committee declined to make a recommendation to that effect because they thought, and he still thought, it wiser that the responsibility for the election of their servants should rest upon the owners and managers of mines. In the first place, there was very great difficulty in obtaining a competent body of examiners. Then another suggestion which had been made would require a revolution in the office of the Privy Council, because it made grants only on examination in elementary subjects. He had always thought that if you could give a child a good sound elementary education, technical education would follow almost as a matter of course when the necessity for it arose; and therefore he did not attach the same importance that some did to a special technical education for the benefit of the children of the working classes of this country. There was a principle involved in Clause 18 which required that an adequate amount of ventilation should be constantly produced in every mine. Whether just or unjust, that clause as it was worded had produced something like a panic in the minds of mine-owners. It was a fundamental maxim of English law that a man was held to be innocent until he was proved to be guilty, but the clause would hold a man to be guilty until he proved himself to be innocent. There was a precedent for this sort of legislation in the Habitual Criminals Act of last year, but he trusted the right hon. Gentleman did not wish to legislate for mine-owners in the same spirit as for marine-store dealers—to treat them, in fact, as suspected persons—and he hoped that the right hon. Gentleman would be disposed to modify this clause in Committee. As he believed the right hon. Gentleman was prepared to give ample time—something like a month—for the consideration of the Bill before the House went into Committee upon it, he trusted the right hon. Gentleman would not object to some discussion of the principles of the Bill on the Motion to go into Committee. [Mr. BRUCE intimated his assent.] On that understanding he would postpone further remarks.

MR. LANCASTER said, that representing a population largely engaged in mining enterprize, and having been himself for thirty years engaged in mining operations, he was sorry to find that the real source of danger had been overlooked. The working of mines had vastly extended during the last forty or fifty years, and this extension involved increasing difficulties. The coalowners laboured under disadvantages similar to those of the Irish tenants, for there were certain covenants and conditions they were bound to accept. Coalfields being of limited extent, there was competition to secure collieries, and those who worked them were obliged to accept such covenants as the landowners imposed. This led to artificial boundaries, and the consequence was that collieries were worked in an unscientific manner. They were frequently obliged to work a mine belonging to different landowners, and the covenants compelled them to work a certain quantity of coal annually under each lease, instead of which they should be allowed to work from the extreme limit of the land, leaving a goaf behind. This was a serious disadvantage arising from the ownership of the property. He had at one time been opposed to the inspection of mines, but we had admitted the right of inspection, and we could not stop where we were; we should be compelled to carry out inspection more efficiently. He had inquired into the modes of working and inspecting mines in Belgium, Prussia, and France; he must say that the system of inspection adopted in those countries was very much more efficient than that of this country; and the reason was that coalfields were leased with a view to their being scientifically worked from the first. Until the same plan were adopted in this country, you would not have efficient inspection. Inspection should begin when the colliery was opened. Under the Code Napoléon the mines were taken possession of by the State, the owners receiving a fair royalty upon the working; and some such course should be adopted here, though of course the owners should not be deprived of their property. He could give glaring instances of the evils which now, for example, attended the working by separate sets of lessees upon the same ground. In districts where the land was in small divisions, there were generally more accidents than in other places, such as falls of roof, floodings, and so forth. While many of the managers of mines were men of first-class education, and also of great practical experience, he agreed with the hon. Member for Edinburgh University (Dr. Lyon Playfair) that it was necessary that the younger men should receive a technical as well as a practical training. He hoped that as to some of these questions the Secretary of State for the Home Department would take a bolder course than that adopted in the Bill.

Mr. ELLIOT said, that having mixed with thousands of working men, with whom he generally had good relations, he thought he was correctly representing their views as to the safe working of mines when he said that the attempt to put the whole of the mines in the country under such an inspection as that which had been indicated would be simply impracticable. Moreover, he believed that a system of that kind would be attended with much less security than the present system. The best guarantee against accidents was afforded, not by Acts of Parliament, but by the pecuniary interests and the lives which were at stake. He was clearly of opinion that the present mode of inspection was better than the minute and frequent inspection which was proposed. The existing system might, however, still be improved. For example, he thought there should be an increase, though not a large one, in the number of Inspectors, and that frequent periodical reports should be made to them, setting forth the additions made in the working of the mines, the number of air passages, and other statistics of this description. These Returns would be made to the Inspectors of the several districts, whose business it would be to see that the collieries did not retrograde with respect to the security provided against accidents, and who, comparing the condition of one colliery with another by means of these statistics, might stimulate some of the colliery managers by the example of those who managed better. As to the education of officers, he had appointed hundreds of them, and the House would scarcely credit how difficult it was to find the right men —men who really understood their business. The management of a dangerous colliery was not an easy duty. It was a disagreeable, uncomfortable duty, attended with great labour; and though he did not wish to disparage education in its primary or more technical form, his experience was that a man who had worked in the pit from early days, and who combined with practical knowledge such education, as reading, writing, and arithmetic, and such as he had picked up by his own study—sufficient to enable him to make his calculations, and keep his accounts—was more trustworthy than a more scientific but less practical person. He believed the country was fortunate in the class of Inspectors it had at present; that they had been chosen with great care, and that they did their work well. With respect to the hours of labour, there was a great difference of opinion on that subject throughout the country. His suggestion with regard to boys was that they should work three or four days a week, but these should be full days, and they might go to school for the remainder of the time. There were very many points connected with the working of mines which required consideration, and in which it might be possible to introduce some important Amendments. For the last eighteen months there had been more bitterness, vexation, and loss than he could describe about the man who weighed the coal at the pit bank, and all owing to the simple circumstance that he was paid by the men. He had occasion in one of his collieries to discharge one of those men. There was a strike in consequence for some six months, and he would venture to say that a loss of not less than £10,000 or £12,000 altogether was the result. He would suggest that it would be better to have an appeal to a magistrate to get rid of disputes of that kind. It was a most anxious duty to get the instructions with regard to the safety-lamp attended to. What they should endeavour to do was to impress a sense of responsibility on all, and especially to make the persons who managed feel it, and to get the workmen themselves to do so. He could not understand how it was that men should sympathize with a person who was guilty of an act which endangered their lives. In all his experience he knew only one district where this feeling had been manifested. Another point was that viewers and managers were not allowed to work a pit as they wished. In a part of the country with which he was acquainted two men, or a man and a boy, were accustomed to work in a place twelve yards wide; they would not work in a less space. The consequence was that three times the quantity of timber was required, and three times the extent of roads had to be kept open, while three times as much gas was generated as would otherwise be the case. He believed he was speaking within bounds when he said that the cost of coals in the mines to which he alluded was not less than £15,000 a year more than it would be in other parts of the kingdom where the collieries were worked on a different system. The viewer and manager had to deal with the prejudices and passions of the people, and therefore needed all the support which could be given them. With all the difficulties that a manager had to contend with, he was under this Bill to be made liable to punishment if anything went wrong. If there was danger, even although no accident resulted, in a colliery, and the manager had not removed it when his attention was called to the matter, he was to be liable to imprisonment under the Bill. Surely that was a point which would require modification. There was no reason in imprisoning a manager or owner for some unavoidable consequences. There was one particular head under which a very large number of accidents happened, and that was the falling of the roof upon the workmen. That was a point to which he wished particularly to call the attention of the right hon. Gentleman the Home Secretary. Under the system which prevailed at present in many parts of the country the collier placed his own timber and was the judge of its sufficiency. But if there were safe and skilful persons who should be trusted with that particular kind of duty, he believed that a greater saving of life would be effected by a provision of that kind than by any other in the Bill.

SIR GEORGE GREY said, he had listened with interest to this discussion, and he thought he might congratulate his right hon. Friend the Home Secretary on the manner in which the second reading of the Bill had been received. The subject-matter was one in which that large portion of the people of this country who were engaged in mining operations had the deepest interest, and, both from the tone of this debate and from what he knew as representing a large colliery population of the feelings of owners and workmen, he believed that when the Bill went into Committee there would be no antagonism between the two classes, but that all would be actuated by a desire to adopt such improvements in the law as would tend to prevent as far as possible those accidents which were so much to be lamented. He was very glad that his right hon. Friend had introduced the Bill at so early a period of the Session, and though it was quite right that it should stand over for a short time, in order that its provisions might be thoroughly examined and understood, yet he hoped the Committee would not be postponed to such a late period as to prevent that full discussion to which the measure was so justly entitled, for it was in Committee that the main discussion must be carried on and that they must consider the Amendments which might be usefully made. He had been invited to give evidence before the Committee on whose Report this Bill was founded, and the opinion he then gave on the question of inspection entirely agreed with that of his right hon. Friend—confirmed by the practical knowledge and experience of the hon. Gentleman who last addressed the House. At the same time there was no reason why the Inspectors of Mines should be limited to the present number. The number was not fixed by law. It was in the power of the Government, acting upon the knowledge they obtained from time to time, to propose to Parliament an increase in the number of Inspectors, and Parliament might sanction that increase by voting the salaries of the additional Inspectors. But it was the greatest mistake to suppose that they could have a system of inspection with an army of Inspectors, by whom every pit in the country was to be carefully inspected either once in three months or in six. If they were to attempt that, they would be adopting the principle recommended by an hon. Friend near him (Mr. Lancaster), which he did not think they were likely to adopt—namely, that of taking into the hands of the Government the control over the working of mines. He did not admit that because the number of Inspectors was limited therefore their designation should be altered, and they should be called Inquirers into Accidents. That would be an unwise restriction of their functions. In many instances which had come within his own knowledge the Inspectors had been directed to visit and inspect more than once within a limited time particular pits, because there was reason to suppose a dangerous system of working was carried on in them, and Inspectors frequently examined pits in order to give those directions and cautions which were necessary to prevent accidents. He entirely agreed with the hon. Member for the University of Edinburgh (Dr. Lyon Playfair) in the opinion that the great security against the frequency of accidents lay in the improved intelligence and education of the workpeople. However plausible in theory the proposal for an examination of all viewers and managers of mines might be, there were great difficulties in at once adopting that suggestion; but there was nothing to hinder their doing all in their power to improve the education of the miners. He entirely agreed in the suggestion that in the mining districts the Department of Education should provide for special instruction in matters on which the safety of miners depended. He regretted, indeed, that this Bill, which contained so many valuable amendments in the law, did not directly touch education. His right hon. Friend said the certificate that a child had been able to read and write was often really worthless, and it was very probable that the certificate as hitherto required actually was so. While schools did not sufficiently cover the country it was impossible to expect parents in all cases to send their children to school, and therefore they could not obtain certificates on which reliance could be placed. But he looked forward to the time when the Bill brought in the other night by the Vice President of the Council would come into operation. He did not see, however, why, in the mean time, they should altogether abolish the certificate required as to the child. It was no doubt an improvement to raise the age below which a boy could not be employed underground to twelve years. But a boy might be employed aboveground, and might afterwards come to work underground at the age of twelve just as ignorant as he was at ten. He would suggest whether they might not provide that where there was a school with a certificated master within a certain distance of the pit a certificate as to the child's knowledge of reading and writing should be required. The effect of that would be beneficial so far as it went, and when the Bill of the Vice President of the Council, which he trusted would receive the sanction of the House in all its main provisions, came into force, and schools covered the country, the system would be self-acting — they need not come to Parliament again; as whenever a school was brought within a reasonable distance of the pit, there the certificate would be required. He trusted mainly to the improvement in the education and intelligence of the miners, which they knew was rapidly advancing, as the real security against the great loss of life which unhappily occurs in mining operations.

Mr. GREENE said, that having himself brought that subject before the House some two years ago, he must express his satisfaction that the Secretary of State for the Home Department had now undertaken to legislate upon it. There were many valuable points in the measure before them. One important question related to the inspection of mines, and on investigation he found that the miners felt strongly on that matter. At the inquest on the Ferndale accident the jury recommended that the inspection should be made once in three months. He would not presume to say precisely how often it should be made, because an injudicious interference with mining operations was to be deprecated; but, at the same time, if there was to be inspection, it ought to be efficient. He thought the law ought also to require that there should be two shafts in mines; for the security of the workpeople must greatly depend on the arrangements for ventilation. Too much reliance had been placed on the safety lamp, which sometimes proved to be a delusion and a snare, especially when the condition of the mine was not well looked into. The matter was a most important one, when it was considered that the number of miners employed in England, Scotland, and Wales was 288,000, and that more than 1,000 deaths had occurred in the mines in the year 1868. These considerations had induced him to take an interest in the question. He had no personal interest in coal mines, nor did he represent a constituency in a coal-mining county; but he thought that on these grounds he might approach the question without prejudice, and with a regard only for the welfare of those who were engaged in mining.

Mr. RODEN said, that as one who was personally connected with the colliery interest he entirely disclaimed any want of sympathy with the working miners or any unwillingness to meet their representatives on that important subject. He approved of the Bill in many of its provisions, but he agreed with the hon. Member for Northumberland (Mr. Liddell) that one clause in the Bill went far to alter the basis of legislation in this country. Under that clause a man was not, according to the old law, to be held innocent until he was proved guilty, but must prove himself innocent in order to be accounted so. When the Secretary of State for the Home Department came to reconsider the effect of that clause he would scarcely insist upon its retention. Under its operation, whenever an accident occurred in a mine, its manager, in a majority of cases, would at once leave the country; or, if it were otherwise, they would have an inferior class of men managing mines who would take the situation with the risk. It was often assumed that coalowners did not do their duty by the workpeople; but there were fewer accidents in mines, taking everything into consideration, than in most occupations in the kingdom. The clause to which he had referred was drawn so widely that by it the owner and everyone engaged in a mine was made liable to three months imprisonment. There were Members of that and the other House of Parliament who might be innocently placed in that position. It would be highly unconstitutional to interfere with property in this country, though at one time minerals, in theory at least, belonged to the Crown; but he believed that if owners would be at the cost of an improved laying out, they would get higher royalties, and there would be fewer accidents. More accidents happened from mines being laid out in an improper manner than from any other cause. It would be no hardship to the owners of mines to make their property more profitable, which would be the case if mines were laid out properly. Technical education had been ably referred to in that debate, and certainly the greater amount of education that was given the better. At the same time he could not admit that the viewers and managers of collieries were as ignorant and as incompetent as some persons tried to make them out. Speaking for the owners of mines, he was sure they would be only too glad to employ the best-educated men they could get hold of. The mineowners were interested in employing as managers the best persons they could get; and the amount which they paid their managers was four or five times as great as that which the Government paid their Inspectors. If there was to be Government inspection at all, it ought to be perfect, and the responsibility ought to go with it. He objected to a half-and-half measure which would confer the power of inspection on the Government and attach all the responsibility to the owners. In Committee he hoped the right hon. Gentleman would consent to modify the clause to which he had referred.

MR. HUSSEY VIVIAN said, that as the representative of a large mining district, and as a person deeply interested in coal mines he felt unfeigned pleasure at the introduction of this Bill at so early a period of the Session, and also at the character of the Bill itself. As to inspection it was difficult to draw the line. If the Government undertook a very close system of inspection it must also undertake a large portion of the responsibility involved in the working of a mine. Every mineowner would hail with satisfaction the prospect of being relieved of that responsibility. It was so weighty a responsibility that he believed if any man before he became engaged in mines could know what it was, he would scarcely embark in the working of a mine. The dreadful feeling which came over a mineowner's mind when an accident occurred in his mine was what no words could describe. The system of inspection, so far as it had gone, had done good by setting up a standard of good mining in every part of the country. He believed that, as a rule, mines were not better conducted now than they had been before they were first inspected, but very badly conducted mines had almost ceased to exist since that time. He was glad it was proposed to increase the number of Inspectors; and he thought that their visits might be more frequently repeated, and when an Inspector suggested anything within the bounds of reason to increase the safety of the mine, it was incumbent on the owner to adopt it. It would be a fatal policy to lower the standard of Inspectors; they should be men to whom the viewers could look up with respect and confidence. The Inspectors were a very useful body of public servants, and he believed they were not sufficiently remunerated. He had heard that the accounts of some of the best Inspectors had been dealt with in a manner that was scarcely fair towards those gentlemen. An Inspector of Mines was a man who required special qualifications. He was called on constantly to risk his life, and great consideration ought be shown in his regard. He (Mr. H. Vivian) remembered when it was his unfortunate fate to stand at a pit's mouth where an explosion had occurred, and where another might be expected, by the side of the Inspector, and the question was forcibly pressed upon his mind, whether, under such circumstances, the Inspector ought or ought not to descend. Such risks to life are Inspectors called on to run. With respect to the high education of foremen and such persons in mines, he agreed in the remarks of his hon. Friend the Member for North Durham (Mr. Elliott). He by no means wished to deprecate education, but from his own experience as a mineowner he knew it often happened that your over-educated man wanted practical knowledge. He thought that upon the mineowner should be thrown the responsibility of keeping proper men to carry on his works. As regarded the miner himself, he could see nothing but good arising from education. Strong prejudices existed in the minds of uneducated miners. The surest way of rooting out those prejudices was by means of education. But he did not quite concur in some of the remarks of his right hon. Friend the Member for Morpeth (Sir George Grey). He hardly thought that it was desirable that exceptional legislation should be imposed on any particular branch of trade. If his right hon. Friend were to propose that before a child was employed in any branch of trade he must produce a certificate, he would go with him on that proposition; but such a condition applied to one trade only would be unjust, because it would have the effect of unduly withdrawing children from that trade. In consequence of the exceptional legislation with respect to collieries, boys found their way to other employments, and were not even distributed amongst the industries of the district. As to that clause on which there had been so much comment—namely, that which in the case of an accident in a mine would throw upon the owner the burthen of proving that he was innocent—he hoped that his right hon. Friend would modify that clause; but he fancied that the real object of that clause was to protect the owner rather than to lay down a foregone conclusion of his guilt.

Mr. KINNAIRD congratulated his right hon. Friend the Secretary of State for the Home Department on the result of the debate, which he believed would be read by the labouring population with the greatest satisfaction, and the conciliatory tone of which would do as much good as the Bill itself. A strong feeling existed that legislation on the subject was much required. The workmen themselves were most anxious about the weighing at the pit's mouth, which they contended ought not to be done in a haphazard way. He was glad to hear the hon. Member for North Durham (Mr. Elliot) admit the principle, that children should not be required to work more than fifty hours a week.

Mr. AKROYD said, that when a Bill identical with the present was introduced last year he presented a Petition against it from the owners of thin seam mines in his district. They complained that mines of that kind, from which the bulk of the coal consumed in the factory districts was obtained, would be placed at a disadvantage compared with other branches of industry in which children were also employed. The parents sent off their children at eight years of age to the factories, where they remained until they were thirteen, and were then indisposed to follow the less attractive form of industry in mines. The effect of declaring that no children under twelve should be allowed to work in mines would be that the children would be driven away from the collieries, and the result would be a rise in price in an article of the first necessity. It did not appear that the Select Committee on Mines had made this recommendation from considerations of humanity, because in their Report they stated that the employment given to boys was not usually of a laborious character. He thought the difficulty of combining their employment in mines with their education would be met, as he suggested last year, by allowing boys of from ten to twelve to work and to attend school on alternate days. It had been said that there were no schools within the reach of young colliers; but he believed that when the owners found it necessary in order to obtain the supply of labourers that their education should be provided for, they would find schools. At present the colliery proprietors in question found that the educational clauses had so far restricted the employment of boys from ten to twelve that it was not worth their while to employ them. The Bill contained a great inconsistency, because it applied the provisions of the Workshops Regulation Act to all the young persons employed at the pit's mouth, while those employed underground escaped. At present undoubtedly the colliery population in his neighbourhood were the least intelligent portion of the people, and this arose from the inefficiency of the educational provision for them. One great difficulty with which the colliery proprietors themselves had to contend was the ignorance of their workpeople, which rendered it impossible to reason with them upon the laws of supply and demand regulating the rate of wages. The colliery proprietors in his neighbourhood wished the Act to remain as it was at present in respect to children, but here he differed from them. The Low Moor Iron Company assented to the plan of working the boys on alternate days. Recent legislation had all run in one groove—the extension of the Factories and Workshops Act to children employed in different branches of industry; and he could not understand why the Secretary of State for the Home Department should introduce an exemption and variation in the case of those who worked under ground. He trusted that the right hon. Gentleman would reconsider those points when the House went into Committee.

MR. BROWN said, he regarded the introduction of the present Bill by the right hon. Gentleman with the greatest satisfaction. He was of opinion that it would effect a considerable improvement in the position of the working colliers. With regard to children he was glad the right hon. Gentleman had adopted the age of twelve; but he would have preferred the addition of another year, making the age thirteen, and he should regret the House agreeing to any provision enabling children under ten years of age to be worked in mines under any conditions. Upon the subject of the payment of wages, he could not do better than quote the reasons embodied in a Miners' Petition, contained in the Report of the Select Committee on Mines, and presented to the House in 1867. They said—

> "That your Petitioners and their Families are seriously inconvenienced and suffer great loss on account of the length of time their wages are withheld by the Proprietors of Mines and Collieries, thus making them dependent on Truck Shops for the supply of their family necessities."

He must express his strong objection to a system which left the men continually in debt, degradation, and misery. He trusted that there would be a moderate increase in the number of Inspectors.

MR. BRUCE said, he had listened with very great attention to the debate, which was of an eminently instructive and practical character, and which he was sure would greatly facilitate the labours of the House in Committee. In reply to the suggestion of the hon. Member for Northumberland (Mr. Liddell) he might state that he had no objection, on behalf of the Government, to a discussion on the subject on going into Committee on the Bill. He could well understand the anxiety of hon. Members to consult their constituents upon a question affecting so deeply the interests of the mining districts, and under these circumstances he should propose to appoint the next stage of the Bill for the 18th of March.

Motion *agreed to.*

Bill read a second time, and *committed* for *Friday* 18th March.

LOCAL TAXATION.

MOTION FOR A COMMITTEE.

MR. GOSCHEN in moving, according to Notice, that a Select Committee be appointed to inquire and report whether it be expedient that the charges now imposed upon the occupiers of rateable property, for various local purposes, should be divided between the owners and occupiers, and what changes in the constitution of local bodies now administering rates should follow such division, said, he would ask the indulgence of the House while for a few moments he travelled beyond the precise limits of his Motion in order to state the general position of the Government in regard to the question of local taxation. He wished to do so, not for the purpose of raising any controversy, but for the purpose of putting the House in possession of information to which he deemed it entitled. Last year a debate was raised by the hon. Baronet the Member for South Devon (Sir Massey Lopes), who moved for the appointment of a Royal Commission to inquire into the subject of Local Taxation; but the hon. Baronet refrained from pressing it, on the understanding that the Government would do its best to gather all the information it could command on the subject, and treat it as a question holding a foremost position for consideration. The Government had endeavoured to discharge this undertaking during the Recess, and he proposed to lay before the House the result of its efforts and what further steps it intended taking. The first question to which he would allude was of considerable importance, though of a subsidiary character. It was important to bear in mind throughout the consideration of this question that whatever reforms might be attempted in local taxation, it was certain that local taxation was so intimately connected with local administration, that it was difficult to touch the one without dealing with the other. This was especially to be borne in mind. The first difficulty meeting the inquirer was the question of areas. In considering the question of local taxes and the areas over which they were raised, they came upon the point that the very idea of local taxation involved a limited locality, as distinct from the country at large. The greatest confusion existed as to what these localities were, for there was a constant overlapping of areas, which placed almost insuperable obstacles in the way of obtaining the information necessary to the public and the House for the consideration of the subject. In numerous cases the area of the union overlapped the area of the county, or the area of the parish overlapped the area of the borough, in such a way as to make it matter of doubt whether the statistics presented to our view were not either swelled by duplicate returns from those parts which were comprehended within the limits of the union and the county, or omitted in both instances from the same cause. This and the general confusion of our local laws were the natural consequence of the spontaneous and irregular growth of our local institutions. Hon. Members would find there was no labyrinth so intricate as the chaos of our local laws. The first problem for the solution of the Government during the Recess was to inquire whether there was any existing area which might be conveniently taken as the basis or unit of our local legislation; for they would never be able to place these matters on a proper and satisfactory basis, unless, in passing new laws affecting local taxation and administration, they made the new taxation and duties coincide with the boundaries of those which already existed. At present the broad distinctions were the county, the union, and the parish. But in a large number of cases not only did the union overlap the counties, but many parishes extended over parts of two counties, and in many other cases, parishes were situated partly within and partly without a borough. In seeking, therefore, to constitute a new valuation basis or a new Board of administration, or in adjusting old Boards, they had to overcome the difficulty that in some cases the unions and parishes were situated in two different counties. Instructions had accordingly been given to the Poor Law Inspectors throughout the country to examine and report into the circumstances of every union and parish extending into more than one county, and to report how far it might be feasible or advisable to re-arrange the boundaries of unions so as to bring them each into one county and to prevent the several boundaries overlapping. The Inspectors had completed their inquiries and reported to the Poor Law Board, and he hoped soon to lay the reports before the House; he thought they would be found instructive and interesting. But he was sorry to say the number of unions situated in more than one county numbered 200 out of 650; and the cases of overlapping were so intricate—especially in cases where the workhouse stood on the confines of two counties—and the questions which arose as to the administration of relief, the liability of property to rating and other matters which were constantly arising, were so complicated, that it would almost be impossible to readjust the boundaries of unions without undertaking to readjust the whole map of the Poor Law districts of the country. With regard to the parishes the case was a little more hopeful, for there were very few parishes situate in parts of two counties. Another and more interesting subject to which the Government had to direct their inquiries was the extent to which local and Imperial burdens fell upon real property. The Government had directed a searching investigation into the incidence of these burdens upon the real property of the country. They had inquired into the totals of these burdens, and into the proportions which those totals bore to the general taxation of the country at large; they had also inquired into the growth of those various kinds of real property upon which taxation fell—because it was quite as important to ascertain clearly how far these various kinds of property had themselves increased in value as it was to ascertain how far the burdens imposed upon them had increased. Everyone knew that the value of land, and houses, and railways, and various other kinds of property had not increased in the same ratio; it was therefore necessary to look not only to the absolute increase of rates, nor even to the geographical increase of rates in towns and counties, but also to ascertain on what kinds of property this increase had chiefly fallen, and on what kinds of real property, at the present day, local burdens were pressing most. Again, the question of the amount of local expenditure had to be considered separately from the question of the amount of the rates levied. He had minutely, he believed impartially, and he was sure industriously, examined this question; but in all his researches he had never been able to ascertain what was the aggregate local expenditure in any one year. The Returns moved for by the hon. Gentleman opposite (Sir Massey Lopes) were indeed exceedingly valuable, and showed with a certain degree of completeness the aggregate sum raised by local rates, and most hon. Members had probably observed the enormous total it gave of between £16,000,000 and £17,000,000. This total, however, did not comprise the item of turnpike tolls and various other dues, which amounted to the large sum of something like £3,000,000. So that altogether these two items of receipt represented about £20,000,000. Even this amount did not represent the whole local expenditure of the country, because there were other items which were not taken into account at all under the two heads of "rates" and "tolls and dues." The French, he might remark, made up their Budgets, both local and Imperial, on a very admirable plan, in dividing their receipts under three heads—"ordinary revenue," "revenue derived from special sources," and "extraordinary revenue;" viewing our local taxation under these three heads, he found, when he looked closely into it, that there were various "special sources" and little taxes of which he had never dreamt, which were never put into any general Report, and which did not appear on the surface. There were also other great sources of receipt which he had not yet seen brought together—and which the French would call "extraordinary revenue"—namely, the loans obtained for various local purposes. These were scattered about in various reports. The loans raised by local Boards of Health would be found in one Report, and those raised by municipal corporations in another; but, so far as he was aware, the total of all these loans was nowhere stated. The inquiry instituted on this subject was not yet quite finished, but he had reason to believe it would be found that the total amount of money received and spent in one year in the United Kingdom for local purposes did not fall far short of £30,000,000. He hoped to be able before long to place before the House Papers showing how and by whom that annual sum was spent, how it was accounted for, and what were the means of ascertaining whether it had been properly audited. In bringing together this information, some difficulties had arisen in consequence of the frequent overlapping of the Returns, some of which were sent to the Home Office, some to the Local Government Office, and some to the Poor Law Board. In the accounts of municipal corporations, for instance, £500,000 was set down for borough rates; but that very item likewise appeared in the poor-rate Returns. There had not, he thought, been sufficient care taken in bringing these Returns into one focus, and the Government had therefore appointed a small departmental Committee to inquire how far the various Returns could be made to fit into one another, so that the public might be able to ascertain, not only when a special Return was made, but in a regular way what was being received and spent annually under these local rates. This, then, was the third step taken by the Government. The fourth step they had taken was to bring as much information as possible to bear on the subject by asking foreign Governments to furnish information concerning the burdens on real property in their particular countries, and the aggregate of local taxation as compared with Imperial taxation. The questions on these subjects were framed as far back as September last, and the noble Lord at the head of the Foreign Office had kindly forwarded them to our representatives abroad. The replies which had been received were full of most interesting information, and would throw a great deal of light on a matter which had recently occupied the attention of the House—namely, the burdens of real property as compared with other kinds of property. When the facts were laid before the House, it would be for them to judge whether we had anything to learn from our neighbours — whether the expenditure here was excessive as compared with that of other countries, and what was the proportion in those countries of local to Imperial taxation. Incidentally, too, much useful information was given as to how the local revenues were raised in other countries. He had alluded to these various matters to show that the Government had not been remiss in redeeming the promises they made last Session. The facts which would be laid before them would show how great were the difficulties in dealing with this great question; and he believed it would be found that other countries were not much more fortunate than ourselves in regard to bringing together accurate data concerning local taxation. Even in Prussia, where the organization was so complete, many years had elapsed since the last Returns of local taxation were completed; and, in France, no complete Returns of communal expenditure had been published later than 1862. Our own country, therefore, was not the only one which experienced difficulty in collecting its local statistics. When the information was placed fully before it, the House would be in a position to form a judgment on the large questions which had been raised in reference to this subject, as, for example, the question as to the share of taxation borne by various kinds of property, questions as to the contributions of the State for local purposes, and questions as to whether any of the charges now imposed on localities might be advantageously transferred to the State. Those questions related to what he might term the higher branch of the subject of local taxation. But, whatever might be done, he would be a sanguine man who supposed that we should be able to manage to dispense with the present system of local taxation altogether. He did not think that anyone who had considered the enormous amount levied from rates at the present moment would suggest that there was any possibility of so re-constituting our local system that rates, and, indeed, rates on real property would cease to supply the chief portion of the sum raised. If, therefore, the present system admitted of important improvement, the House would probably be of opinion that, without prejudging the other part of the question, they ought to endeavour, in the first instance, to put the present system of rating on a satisfactory footing; and if it should be found that certain kinds of property *in pari materia* to those now rated were now exempt but ought to be subjected to taxation, the House ought not to defer making the necessary change. They should, in his opinion, ascertain how far different kinds of property ought even under the present system to be brought into the rating net, and they ought to proceed as speedily as possible in that direction. He hoped to make himself clearly understood on this point, and he asked the House to consider it carefully—that quite apart from the questions raised by the hon. Member for South Devon (Sir Massey Lopes) as to the general incidence of local taxation, there were four heads under which the subject might be dealt with—First, there was the subject-matter to be rated; secondly, the question as to the persons from whom the rate is levied; thirdly, the persons who should collect the rates; and fourthly, the persons who should administer the rates. Local taxation required to be treated—and, in point of fact, was practically treated—under each of these four heads. With regard to the subject-matter to be rated, the House was already aware, from what was said in the Speech from the Throne, that the Government proposed to extend the incidence of taxation, and he hoped to be able shortly to lay their proposals before the House. They proposed to extend the present system of rating to subject-matter which was *in pari materiâ;* but he should be holding out illusions to the House if he did not state that in speaking of extending the incidence of rating he did not mean that the Bill would extend it to personal property. That was not the point with which they were now dealing. The question in hand was separate from the larger ones he had referred to. The Bill would extend the incidence of rating to property which had formed the subject of questions in that House, such as Government property, mines, and other kinds of property which he would describe on the occasion of asking leave to introduce the Bill. The Government also proposed to deal with the third question of local rating—namely, the persons who should collect the rates; consequently there remained only two heads—the persons from whom they should be collected, and the bodies which ought to administer them. These points the Government proposed to refer to the Committee, for the appointment of which he now sought the assent of the House. That Committee would take into consideration whether it were expedient that the burden of local rates should be divided between the owner and the occupier. The question might, perhaps, be asked—"Do not the owners practically pay the rate now? and if they do, why is it necessary to suggest a change?" Well, they were in this position. At present there were two parties who maintained that they paid the same rate; the occupier always declared that he pays it; on the other hand, the owners appealed to excellent authority to prove that it was they who really sustained the burden of taxation; and the result was, that rates had to sustain a double unpopularity, both classes asserting that they paid them, which, as only one set of rates was paid, was absolutely impossible. The Ratepayers' Association loudly declared that all the rates were paid by the occupier, and this would form one of the subjects into which the Committee would have to inquire. A distinction might be very fairly drawn, he thought, in the case of property held under lease, and other property. There could be no question in the case of leases, that the increased rates and new rates were paid by the occupiers — although, doubtless, the amount of rates originally payable was taken into account at the commencement of the lease. As regarded yearly tenancies and tenancies-at-will, there was a distinction between houses and land. The general law was usually stated to be this, and in these cases the increased rates upon land fell almost exclusively upon the owner, save so far as capital might have been expended upon the land in the shape of improvements; while, in houses, so much of the increase as affected ground-rents fell upon the owner, while so much as affected the building-rents fell upon the occupier. But how did this work in practice? When a rate was increased, or a new rate levied, the person who would have to pay would, in his opinion, be the person on whom it was imposed in the first instance; for it would rest with him to take the initiative in disturbing existing relations, if he wished to throw off the charge, a course which exposed him to a distinct disadvantage in subsequent bargaining. Persons conversant with the subject knew very well that if a tenant held a property for five or ten years, and at the expiration of that time, on the imposition of a new rate, went to his landlord and applied on that account for a reduction of rent, he was likely enough to obtain an unsatisfactory reply; whereas, if the rates were payable in the first instance by the landlord, it was hardly probable, in the event of increased rates becoming payable, that he would seek *pari passû* an increased rent at the hands of his tenant. No doubt the principles of political economy would make their influence felt at the end of the particular tenancy when the property came again into the market; but until that time the person first paying the rent would be put into a worse position in the bargain with his landlord. The notion was so generally entertained that it was the owner who ultimately paid the rates that he was apprehensive less persons might jump to the conclusion that the owner might as well do so in the first instance. But in this case the word "ultimately" was a very long ultimately indeed, and during all that time the occupants were complaining of the increased burden of taxation; and so far it was clear that this was to a great extent a farmer's question. But if this were the state of things in the country, the case was still stronger in the towns; for in the metropolis and elsewhere it would be found, he thought, that there had not been a fall in rents corresponding to the rise in rates. The tendency, in fact, had been upwards. And it would be found, he believed, that where rents were generally rising, the increased rates were not only paid in the first instance, but borne without any compensation by the occupiers; while it was only when the rents were falling that owners took upon themselves the burden of the rates rather than have their houses unlet. The great crowding together of people in London had enabled owners to keep up their rents, and sometimes even to raise them, notwithstanding the great burdens imposed. He thought these questions were of a nature sufficiently complicated as to deserve that they should be considered by a Committee upstairs. If it were true that the new rates, or increased rates, were borne in the first instance and for a long time by the occupiers, was it just that they should be so borne, or not? That depended a good deal upon the nature of the rates and the motives with which they were imposed. Some, like the poor rate, had for their object to discharge a burden purely, while other rates were imposed to obtain some actual benefit, and in many cases might be reproductive. The House would do well to bear in mind these distinctions between rates. In London, for instance, much taxation was imposed for great permanent improvements. A man might have a twenty years' lease; a rate might be imposed for some great public work which would last for a century; throughout those twenty years the occupier might not only have paid interest on the loan, but he might have to pay the principal, and when all this had happened the owner might step in at the end of the lease and reap the whole advantage. As to all rates which were calculated to improve the property of the owners, it certainly seemed a strong proceeding to charge these upon the occupier exclusively; and he believed that great and not unnatural dissatisfaction was felt that the ground landlords escaped taxation so much as they did at present. He thought it only just that the owner should share the burden of these rates by which his property would ultimately be benefited; and even if no direct benefit accrued to the property, but the object in view were to gain some public benefit, why should the charge for that purpose devolve exclusively upon the occupier? He was aware that the existing system had been defended upon high authority as a measure of the tenant's capacity to bear taxation, and not upon the ground that it was fair to tax this particular kind of property. But the argument of capacity surely applied as much to the owner of ground-rents as to the occupier? Moreover, the change in the price of houses within the last twenty or thirty years had rather weakened the force of that argument, for the rent which a man paid for his house no longer stood in the same ratio to his general expenditure. Even for a house at the East-end or in the very worst localities a man had now to pay a higher rent in proportion than would represent his general capacity to pay rates. For those reasons, he believed that the question of the division of burdens between owners and occupiers was ripe for discussion, and possibly for legislation. It might be asked why, entertaining such views, the Government had not brought in a Bill on the subject. That brought him to the second part of his Notice, namely—as to the changes which ought to follow in the constitution of the local bodies administering the rates, if such a change should take place as a division of the burdens between owners and occupiers. And the real reason why it was so difficult to go forward in this matter was, that if we changed our system of rating and rated the owner at one-third, or whatever might ultimately prove to be the right proportion, *pari passû* with such a proceeding we ought to take care that the owner was duly represented upon whatever body was to administer the rates. Now, that was the very question, and for his part he would be sorry to introduce a Bill taxing the owners for the first time, without laying on the table with it a scheme by which their proper representation on the bodies having the administration of the money raised could be secured. He should like to say a few words as to the position of owners of property as regards their representation in the local bodies. At present it was said that the owners were indirectly, if not directly, represented to a great extent, and that the *ex officio* element on Boards of Guardians and other local bodies, really represented property. But did they do so? And, if they did, was the fact acknowledged? The fact was that their position in this respect was not acknowledged at all, and this was one of the anomalies of the present system. They were generally looked upon as intruders belonging to a different class and administering rates to which they did not contribute. That he believed to be a great evil. If the owners paid, they ought, in his opinion, to be directly and fairly represented; and one of the questions which the Committee should consider would be how by a more satisfactory or a more direct representation they could get rid of the system of *ex officios*—a system which was not only anomalous, but was objected to by both parties. Again, the Committee would have to consider the question of plurality of votes in elections for local bodies, and the question as to how far freeholders should be represented on local Boards. The House would see from the reasons he had urged why the Government had not proposed to proceed at present with the County Financial Boards Bill and the Valuation Bill which he had had the honour to introduce last Session. The first thing they had to settle was whether the owner should be taxed as well as the occupier, and when that was settled, how the owners were to be represented. Both these points must be decided before they would be able to go forward with the further reforms he had indicated. The Government were anxious to lay before the House all the information that they could on the subject, for they fully appreciated the magnitude and importance of the question of local taxation. Much would remain for future consideration. There was not only the question of the present contributions given by the State for local purposes, but there was another broader question still, relating to the resources springing from endowed charities, which had hitherto been appropriated more or less to local purposes. They might at some future period have to consider whether it might not be possible to bring together all the endowed charities in such a manner as to transfer a portion of the duties now imperfectly performed by the local authorities, and whether it might not be possible to make those large institutions perform some such service as that to which the surplus funds of the Irish Church had been applied—to the relief of unavoidable suffering and distress. He thought these funds might be appropriated in an organized form to some of the duties which were now performed by the authorities administering the Poor Law, and that thus, while rates would be saved, the administration of relief itself might be placed upon a more satisfactory footing. He merely threw that out as an idea, which at present it would be premature to develop, in order to show the House that they desired to deal with the question in a broad and comprehensive spirit. In all these questions they would have to appeal to the House for assistance, because it was difficult to overrate the jealousy and prejudice which were always imported into local questions — a jealousy and prejudice far in excess of what they had to encounter in dealing with questions of national interest. Everybody was willing to admit that, on the whole, our system of local taxation was a chaos, but each in turn was disposed to contend that the particular sphere in which he felt interested was cosmos itself. He trusted that the House, which could not but be fully alive to the importance of the subject, would support the Government in the proposal which they now made.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire and report whether it be expedient that the charges now imposed on the occupiers of rateable property, for various local purposes, should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division."—(*Mr. Goschen.*)

SIR MASSEY LOPES did not rise to oppose the proposition of the Government, but rather to endeavour to impress upon the right hon. Gentleman the desirability of postponing the appointment of the Select Committee until the House had the whole scheme to be proposed by the Government in reference to the incidence of taxation before them. He had no wish to stifle or suppress inquiry, for he felt it most desirable that they should give every assistance to the Government in their attempt to elucidate this most difficult question; he thought, however, that it was very desirable that they should not attempt to proceed in a fragmentary manner. There were many other important points than those which had been referred to upon which they should obtain further information; and he repeated his hope that the Government would allow them to have the whole scheme before them, because not till then could they deal with the question in a comprehensive and statesmanlike manner. The right hon. Gentleman asked for inquiry upon the ground of expediency of placing some charges that were now upon the occupier partially upon the owner. Now the first question seemed to be what those various local charges were—whether they were indeed strictly local, or whether they were not national and Imperial, and an inquiry into this might lead to a classification of rates. He did not see how it was possible, before they arrived at a determination as to whether the rates were local or Imperial, that they should decide how the payment could be rightly apportioned. All rates were called local rates, but in many instances this was a most anomalous description. There were strictly local rates, such as the rates for sewers, paving, water, &c., which were rates levied purely for the benefit of the district in which they were collected; but when they came to deal with the administration of justice, police, lunatics, and many others, these things were in reality national and Imperial, and concerned not merely one body alone, but every class in the community. Then, again, it was difficult to say what bodies ought to control them, or who should contribute to them, before the House arrived at a proper system of classification. He had been, he must confess, much struck by the circumstance that it was only two days before the Vice President of the Council of Education brought forward his Bill for national education, that the right hon. Gentleman (Mr. Goschen) gave notice of his proposition on this subject. In proposing his scheme the right hon. Gentleman's Colleague gave them the gratifying and consolitary intelligence that the owners of real property, whilst complaining of the enormous weight of local taxation—which was a grievance even admitted by the Government, who had intimated their readiness to deal with it—that he intended to impose a large additional burden for the building of schools and the education of the people. Possibly the right hon. Gentleman the President of the Poor Law Board gave them notice of his Motion for a Select Committee, in order, if possible, to make the disagreeable dose prescribed by his Colleague more palatable to their stomachs. He (Sir Massey Lopes) did not hesitate to say that the object of his Motion must be one to divert them from the real scent—the main question which they were desirous of considering. It was calculated to disturb the good feeling which at present existed between the owners and occupiers, and he very much regretted that it should have been brought forward. Having now referred to the time when the Motion had been made, he wished to say a word or two with regard to its probable effects. Now in reference to the division of the rates between the owners and occupiers, the proposition of the right hon. Gentleman would not touch the main question they had in issue. Nor would it tend in any degree to diminish the excessive rates now paid by the owners of real property. They would only be shuffling the same cards, they would only be shifting the same responsibility within the same narrow limits. He believed that if they once gave the opportunity of disturbing the relations and arrangements that now existed between owners and occupiers, the result would would be that the occupiers would not only have to pay the same rates in future, but they might be compelled to pay a great deal more, as re-valuations and re-adjustments might lead to increased rents. He understood the Vice President of the Council of Education to say the other day that the education rate was not to be a special rate, but that it was to be a charge upon the poor rate. Now, to this principle he (Sir Massey Lopes) strongly objected. If they were to have an additional impost put upon them let them, at all events, have the credit of paying it. Let it not be disguised or wrapped up, as other rates were, under one general title. It was utterly impossible under such a system for any man to know to what extent he was contributing to certain rates. The poor-rate assessment was not only a refuge for the destitute but was often made the scapegoat for our national delinquencies. It was a kind of panacea for all our moral and social evils. Whenever a man happened to have a philanthropic idea and did not know how to carry it out, he immediately flew to the poor rate. He, for one, objected to the granting of this Select Committee, because it seemed to him not to deal with the main principle for which he and his hon. Friend near him contended. That principle was involved in the exemption of income arising from personal property from many of our local burdens. Until the principle for which he contended was adopted he would never consent to further impositions upon the rates for any object whatever. If, however, it were once admitted it would be found that the owners of real property would never be behind hand in contributing their fair quota to any object that was considered just or expedient. He rejoiced that this question was no longer one of party, and they could all approach it without any political feeling or bias, and he, for one, should be delighted to give the Government every assistance in his power in bringing this question to a settlement. He should, however, ask the Government first to postpone the appointment of a Select Committee, in order to deal more completely with the whole subject, and with that view he should move an Amendment to the right hon. Gentleman's proposition.

COLONEL BARTTELOT, in seconding the Amendment, said, that he also ventured to appeal to the Government not to press the Motion at this time. When his hon. Friend who had just sat down (Sir Massey Lopes) brought the subject of local taxation under the notice of the House last year, the right hon. Gentleman at the head of the Government distinctly stated that the Government would deal with this question, and that he did not think it advisable that this question should be referred either to a Select Committee or to a Royal Commission. He therefore appealed to the right hon. Gentleman to fulfil the promise which he gave so distinctly last year; and that he would now postpone, or ask the President of the Poor Law Board to postpone, his Motion for a Committee until the whole scheme was before the House. He totally differed from the right hon. Gentleman the President of the Poor Law Board in the explanation with which he had favoured the House in reference to this Motion. The right hon. Gentleman said that the system of local taxation was in a state of chaos. It was distinctly known and felt that the pressure of local taxation was very oppressive to those who had to bear it. It required revision, no doubt. What he and his hon. Friend desired was that the area of local taxation should be enlarged, and those who at present escaped from contributing should be required to pay. He ventured to think that the Resolution proposed by the right hon. Gentleman was calculated to hamper and confuse, rather than to raise the main issue. The real issue was that other species of property besides real property should be compelled to contribute. He was the last man to say that the occupiers were not suffering at present from a great grievance in respect to local taxation, and he was in favour of a course whereby that grievance, as well as other grievances connected with the incidence of local taxation, might be remedied.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it would be advisable to postpone the appointment of a Select Committee until the Government have announced their promised measure for dealing with the incidence of rating," — (*Sir Massey Lopes,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BEACH hoped that the Government would bring forward a substantive Motion, which would deal with the whole subject, for that was what was really required. Whilst he concurred with his hon. Friend who moved the Amendment, he was far from saying that some change was not required in the incidence of local taxation between the owners and occupiers. The occupiers had great reason to complain of the vast increase of the rates within the last few years—an increase which fell heavily on small farmers who had long leases. He concurred in the propriety of enlarging the area of taxation, and in the opinion that mines, timber, and other species of property now exempted should be made to contribute. As the Government had declared their intention of including other matters with the area of chargeability, he thought the whole subject should be referred to the Committee.

MR. SCOURFIELD reminded the House that there was one class of persons who would be in no way affected by the result of the proposed inquiry—he meant those who combined in themselves the character of both owner and occupier. Such were the freeholders, of whom there was a large class, who occupied their own land; and these would derive no relief from any change in the incidence of these burdens as between owner and occupier. But what was much complained of was that certain local rates were levied at the suggestion of those who had really no interest in the district. For example, there was the case of lunatic asylums, which involved a large expenditure—an expenditure under the control of persons who were not acting under the Poor Law—they were, in fact, a class of *dilettanti*, who exercised considerable powers in this respect. He had never heard any reason given why they should not be placed under some authority responsible to that House. The taxpayers complained that they were made responsible for great expenses which were practically incurred by an irresponsible authority. Some were more appropriate to Imperial and others to local taxation. It was difficult to understand why the maintenance of gaols was considered local expenditure. He had been Chairman of Quarter Sessions for many years, and, on the last occasion he presided as such, out of sixteen prisoners tried by him six only belonged to the locality, whilst the others came from every part of the kingdom. Gaols might fairly be considered as coming under the head of Imperial expenditure, and any expenditure upon them should not be thrown upon the locality. He quite agreed with the Amendment moved by the hon. Member for South Devon.

Mr. RATHBONE said, he agreed very much with what had fallen from the hon. Member for South Devon. He, however, understood from the President of the Poor Law Board, that the adoption of the Resolution would not in the least pledge the House against any further and more extended inquiry. The Government had admitted that the whole system of local taxation was a "chaos," and that they were prepared to deal with it in a comprehensive manner; but that from the great pressure of other business they were not prepared to undertake this Session to deal with this extensive subject and another which was clearly bound up with it—the question of local administration. They were getting a great deal from the Government by such admissions, and if they only handled the subject when they brought it on in the way they proposed, he thought the House and the country might wait until the two great measures of the Session had been disposed of. In the meanwhile, however, he did not think it would be well to refuse the inquiry into that important portion of the subject which was embraced in the present Motion.

Mr. GATHORNE HARDY: I certainly am a little surprised, though not sorry, that the right hon. Gentleman the President of the Poor Board should have resorted to a Select Committee on a subject that has been so much investigated in former times; and yet I shall not be sorry for it if he will carry his investigation a little further. The right hon. Gentleman, as I understood, and also the First Lord of the Treasury, last year gave the House to expect that they would deal with this great question of local taxation, which is exciting the interest of the country and the towns, on account of the great variety of new taxes that have been imposed in recent years. The property taxed is so comparatively small with regard to what are the objects in view in this taxation—which is practically for national purposes—that a sense of injustice is roused in those who feel that, while they are supposed to be taxed for local, they are really paying for Imperial purposes—which concern the nation at large—such as gaols, to which the hon. Member for Pembrokeshire (Mr. Scourfield) has alluded. I shall not stop to discuss this question at length, because it will be better to defer it to a future time; but there is no one who has these taxes brought before him, whether in this House or in the sphere of his own home, but must consider they depend on a variety of different relations to the objects we are all anxious to see properly carried out. We are all anxious that lunatic asylums, gaols, and highways should be properly managed, and that the poor should be properly cared for; but different opinions are entertained how the expenses should be defrayed—whether they should be levied on a limited area, or extended over a larger district, or over the country at large. The President of the Poor Law Board in bringing forward this Motion has tied us down rather unfairly, for by agreeing to his Motion we shall be committing ourselves to something which the House does not mean. I would ask him, therefore, at all events, to leave out the word "local," and let the Resolution stand for an inquiry "into charges for various purposes," because the question that has been raised in these recent discussions has always been whether these are simply for local purposes. [MR. GOSCHEN: Hear, hear!] The right hon. Gentleman assents to that view, and as I have no wish to divide with the hon. Member for South Devon, because I feel that all we want is to get before the Commitee a real and tangible question for their investigation without committing anyone in the form of a Resolution, I must, however, go somewhat further, and ask the President of the Poor Law Board, who has taken so deep an interest in all these questions, and from whom we have heard so much with which I agree—I would ask him, when he brings in the measure he is about to propose to the House with respect to the incidents of taxation, to refer it, after the second reading, to this Committee dealing with local taxation. In that way we are very likely to arrive at some definite and satisfactory conclusion, and in which the whole House might eventually agree. I do not wish to argue the question now, or that any division should be taken upon the Motion, but I do wish most sincerely that this question should receive full and satisfactory investigation, both as to what may be fairly considered local charges between owners and occupiers, and also as to what may be properly classed among Imperial burdens.

MR. GLADSTONE: I regret that I cannot accept the Amendment of the hon. Baronet the Member for South Devon (Sir Massey Lopes), but I may relieve a great part of the apprehensions which he and other hon. Members entertain, and meet in some degree the views that have been expressed by the right hon. Gentleman who has just sat down. It is necessary, for the sake of accuracy, to state that it will not do simply to leave out the word "local" from the Resolution, because we must indicate the nature of the changes we have in view, and, therefore, the word "local" must be retained. But it is quite dissociated from the word "purposes:"—nothing can be further from the intention of the Government than to commit the House, either to the proposition that all these changes are for "local purposes," or to prevent the ulterior proposition of the hon. Member for South Devon from being considered at the proper time should the House see occasion to do so. If, therefore, the right hon. Gentleman should be of opinion that the Motion would be better worded so as to direct the Committee to inquire whether the burdens now locally imposed on owner or occupier should be equally divided between them, and if such alteration should meet the views of the House the Government will not object to adopt this alternative. I must remind the hon. Baronet the Member for South Devon that probably he has advanced further in his own mind in one sense, and in another not so far as the House upon this question. He says the question really is the exemption of personal property from local taxation. But the Government has never made that admission, and they had never seen that that was the precise aspect in which the question ought to present itself to Parliament. The aspect in which the question presents itself to my mind and that of my Colleagues is, that of late years we have immensely multiplied and rapidly increased the category of purposes which are supplied by local taxation, and the whole of them in England are at present provided for by payments which come in the first instance from those who have only a temporary interest in their occupations. I do not wish to express any opposition or agreement in that proposition; and this aspect presents to us an immediate and cogent ground why it has become a matter of urgency to look at this state of things. What I would endeavour to point out is, that we are really endeavouring to deal with the question in its natural order. The hon. Baronet says, let us wait until we can contemplate a comprehensive measure and approach the subject in a statesmanlike spirit. But, when I hear that remark, I very much doubt if he has taken the whole measure of the length and breadth of the subject, and it was to that I referred when I said in a sense that he had gone further than we had in his mental process with regard to it, and in another not so far; because he appears to have in his mind this conception—that we can investigate the question whether exemption of personal property from local taxation ought to be removed, and having investigated it and found it ought to be removed, that we can stop there. But that is a fundamental error. At present, no doubt, the whole weight of local taxation is laid on real property; but in consideration of that, real property, under our system of Imperial taxation, enjoys exemptions, which, rely upon it, it is not possible to maintain for a single moment after you remove the exemption of personal property from local taxation. Undoubtedly that is a portion of the necessary and elementary part of the case. I do not give an opinion beyond saying that if a general proposition is to be laid down that personal and real property are to share in equal proportions the burdens of local taxation, it is impossibleto resist the co-relative proportion that real and personal property must be equally charged with respect to Imperial taxation. When the time comes to deal with the succession duties, which impose on real property one-third more than is paid by personal property, and the legacy duties to be equalized with the correlative fact with regard to probate duty for which real property pays nothing, it mnst be a comprehensive measure to deal with it at one blow. We shall endeavour to deal with this subject in its natural order and sequence. We do not in the least degree seek to commit any person by this Motion to the doctrine that real property alone is to be taxed for what may be rightly called local taxation. We leave that open; and this motion is not to affect the judgment of the House directly or indirectly to it. Partly on the grounds of convenience and partly on grounds of tradition, real property in its various forms is the most convenient subject to bear the main part of local taxation. It is the first subject that offers itself for that purpose. That is the tradition of the country; and I think that when we consider the adjustment by which real property bears more of local, and personal property more of Imperial taxation no one will desire gratuitously to change the arrangement. I would assume, therefore, that real property must remain the great subject for taxation for local purposes; and, if that be so, I contend we have approached this question in a proper and logical order, when we propose to inquire, in the next place, in what degree, this taxation ought to be divided between those possessing a joint interest in real property—the owners and occupiers. Having determined what exemptions, if any, should remain, and having with the assistance afforded by this Committee legislated with the view of determining the relative rights of owner and occupier, and having endeavoured to simplify and cheapen the machinery in connection with the collection and management of the fund, then will be the time to consider, not the question proposed by the hon. Baronet, but the other question touched on by the right hon. Gentleman opposite—namely, whether there are any purposes, and, if any, what purposes now locally provided for, which ought to be considered national purposes. I am bound to say that it would be very wise to arrive at a conclusion with respect to the present assistance given from the Imperial funds to local purposes; to ascertain whether it is too great or too small, whether given in the best manner—that is in a manner to promote efficiency and economy—and whether or not it interferes with sound principles of administration. We cannot settle the whole question without raising some of the topics adverted to by the hon. Baronet; whether, for instance, personal property is to continue exempted from local taxation or not; and whether Imperial funds should be contributed for local purposes on the ground that those purposes are Imperial. However, it would be impossible to consider these topics without raising the whole question, and I hope the few observations I have made may be sufficient to satisfy the hon. Baronet that he will in no degree be prejudiced—nor the cause which he and some other hon. Gentlemen advocate with so much ability will be prejudiced — by acceding to the present Motion. I trust he will see in the proposal of the Motion at an early period of the Session an evidence of the earnest desire on the part of the Government to redeem the pledge given last year to bring the subject into a train for being satisfactorily handled.

Sir GEORGE JENKINSON said, he was anxious to enter his protest against the view expressed by the right hon. Gentleman the Prime Minister. The right hon. Gentleman the President of the Poor Law Board stated distinctly that it was not his intention, in the Bill he proposed to introduce, to render personal property liable to rating: the right hon. Gentleman the Prime Minister also said that when the Bill should be introduced, it would be seen what the Government intended to do. For his own part, he was disposed to believe there was something more behind than had been announced by the right hon. Gentleman—at any rate the whole of the subject should be thoroughly investigated. The chief difficulty was said by the right hon. Gentleman the President of the Poor Law Board to be in respect of the area; but he did not think it was so great as the difficulty to determine what class of property should be rated for the various purposes indicated. The succession duty bore very hardly upon the landed interest, and a fair inquiry into the taxation to which the landed interest is subject—and *vice versâ*—would not result so entirely to the disadvantage of the country party as the Prime Minister seemed to infer. He would quote an instance. A fundholder died lately possessed of £800,000 in the funds, which sum represented an income annually of about £28,000. Let the House reflect whether the owner of so large a property was not as much interested and as much concerned in the maintenance of gaols, police, lunatic asylums, militia, and all various charges which are imposed on all real property, as any owner or occupier of real property; but in respect of that mass of property derived from the funds, the owner did not contribute a single sixpence towards the local taxation—not a single farthing towards any of the purposes enumerated. He contended that the burdens of the nation ought to be maintained by the whole of the income of the nation, instead of only one-third, and he hoped that the right hon. Gentleman would include in his Motion words to the effect, that the Select Committee shall be further instructed to inquire into the present exemption of personal property from contributing to general taxation, and report whether such exemption is just and expedient or otherwise. This would relieve a feeling of hardship which existed in many counties and towns, and, according to the opinion of the Prime Minister, such an inquiry would do no injustice to the interests which he advocated, because it would elicit the truth and show the real bearings and merits of the whole question at issue.

MR. ALDERMAN LAWRENCE said, the arguments of the hon. Baronet the Member for South Devon were all in favour of a Committee to inquire into this matter, and to ascertain what the actual facts were. Hon. Gentlemen opposite had entirely mistaken the question. Their starting point was that the landed interest—the real property was the aggrieved interest in this matter. The real question was whether any portion of the burden borne by the occupier ought to be divided between the occupier and the owner. The improvements carried out within the metropolis furnished an illustration of the manner in which local burdens were borne. Vast improvements had been effected in the drainage works, which it was presumed were to last for centuries; and the rates in respect of them had been levied upon the occupiers of premises within the metropolis. Many districts which could not formerly be built upon for want of drainage had since been covered with houses; the owners of the land contributed only the agricultural rate towards the money raised for carrying out the works; but when the present leases expired, the owners of the land would raise the rents of the occupiers in consequence of the improvement effected; so that the occupiers of premises in the metropolis were first called upon to pay rates for improvements, and afterwards had their rents raised in consequence of the improvements having been effected. This example of the operation of the payment of local rates was well worthy of the Committee's consideration. He hoped that the appointment of the Committee and the work it was required to do would not be postponed until the great measure to be brought forward should be presented to the House, for that would be pushing the whole question from Session to Session without any practical result being gained. He, therefore, trusted that the hon. Baronet would, on further consideration, withdraw his Amendment.

MR. GOLDNEY understood that the subject would be narrowed into the simple question whether the landlord and tenant should be joined in the payment of local taxes. In some countries, as in Sweden and Norway, the house tax and the license duty were devoted to local purposes; and it was possible that the Committee would feel inclined to adopt this plan. If the Committee were left with a certain amount of freedom—if its inquiry were not narrowed too much—its Report might be of some value. If that freedom were conceded the inquiry might lead to some practical result, because we were now to inquire, for the first time, into the principles instead of into the mere mechanism of local taxation.

Mr. ACLAND said, he must thank his right hon. Friend the President of the Poor Law Board for the very clear manner in which he had submitted the question to the House and must beg him not to adopt the views of the last speaker and introduce that element of confusion —a lax construction of the reference to the Committee. In the very first week of this present Parliament he gave notice of his intention to ask for of a Committee to inquire into the incidence of local taxation—meaning the incidence, as between the owner and occupier, of the rates now paid—but he was obliged to withdraw his Notice, because the hon. Baronet the Member for South Devon made an able speech on local taxation, and although his speech occupied a very different portion of the question to that which he (Mr. Acland) was going to take, he was advised that the House did not feel disposed to go into the subject again. The question he wanted the House to discuss was the relations between the owner and the occupier as to the payment of rates. His reason for wishing to bring forward this subject was the existence of much misunderstanding among the farmers on the subject of local taxation, and he thought that a Committee of the House would be the most effectual means of awakening the minds of the tenant-farmers, who were becoming more disposed to look into these matters than they were a few years ago. A Committee was some time ago presided over by the right hon. Member for North Lancashire (Colonel Wilson-Patten)—and it ended in the production of a Financial Board Bill last year—which he was glad to see withdrawn, because it fell very short of what he thought ought to be the result of such an inquiry. One of the subjects which required thorough sifting was whether the present system of county administration, which was conducted by irresponsible persons, the nominees of the Lords Lieutenants, and in no sense the representatives of the freeholders of the county, did not lead—he would not say to extravagance, but to a short-sighted expenditure of the public funds. He had been for nearly forty years a magistrate, and he had gone on voting, year after year, in quarter sessions, the expenditure of public money, but this expenditure had scarcely affected his pocket. This caused a question that was being talked of by the tenant-farmers in the country; and many magistrates made speeches on economy, not so much to the audiences at the quarter sessions as to the public out-of-doors. In introducing his Motion his right hon. Friend had confined his remarks to Boards of Guardians and Highway Boards; but in going into this Committee the House would go a very long way beyond the administration of the Poor Law or Highway Boards. The whole question of the county administration, and the expenditure of rates for county purposes, would come within the review of the Committee. There was another question of much importance to land owners and occupiers —he meant the classification of roads. In France there were Imperial roads, departmental roads, and communal roads. In England we had no such distinction; and this was a subject which required to be inquired into. He supposed that the administration of our prisons and police would hardly come within the scope of this Committee. There was also the questions as to lunatics. Our lunatic expenditure was now entirely under an irresponsible body, and advantage would follow the making of this matter a subject of discussion. If hon. Members, instead of talking year after year of the great hardship of bankers and landowners not being equally taxed, would apply themselves to the elucidation of some practical scheme for carrying out their object, they would emerge from "chaos" into a "cosmos," and some beneficial results might be hoped for.

Mr. PELL thought that after the reference that had been made to this subject in the Queen's Speech, the declaration to which they had listened that night from the President of the Poor Law Board was very disappointing. But the right hon, Gentleman at the head of the Government had certainly made the question less nebulous than it was before, but he now held out a prospect of future defeat and disappointment in hinting that perhaps there were charges on real property which it did not at present pay, but which might fall upon it if they were to push the inquiry. But for his part he held it to be very desirable for the owners of real property that the imputation that they were not paying their fair share of taxation should be removed by inquiry. If it were really true that there were exemptions in favour of real property, the sooner it was determined to investigate the whole question the better. But an appeal was made for delay. They were told that a very valuable and useful inquiry was being made by the Government into the system of local and imperial taxation in other countries. That was a highly useful inquiry, no doubt; but it was accompanied by the disheartening declaration from the President of the Poor Law Board that even in Prussia, the most highly educated and the most progressive kingdom in Europe, the inquiry had been attended with a delay of eight years. Now it was certain that in this country the delay of eight years would be followed by a thirty years' war of discussion, and in that case his life, at all events, would come to a close before the matter would be settled. Now, it appeared to be generally admitted that the taxation at present laid on real and other property was not evenly distributed; and it was in vain to talk about the allowance made in the matter of the probate duty, because the owners of real property felt that as long as they lived they had to drag a chain that was constantly galling them. Partial remedies had, it was true, been applied in the metropolis, but with what result? In one East-end parish with which he was connected £4,500 had been received from the "metropolitan common fund" last year; but this parish had raised by local taxation, under the head of the poor rate, £35,000; and they had had to pay an increased charge of 2*d.* in the pound for the relief of the poor. In fact, they were beginning to trifle with the Poor Law—to grant relief in aid—because such masses of poverty and destitution had been accumulated in certain districts that they could not be otherwise dealt with. To confine the taxation to one class of property, and that the poorest, was thoroughly disheartening to those who had to administer the Poor Law. One form of relief had been suggested—a revision of taxation, so that the burden might be borne between the two classes of owners and occupiers. But this was a very illusive remedy. Take the case of the yeomen, who were at once owners and occupiers in the country—what relief would such a measure confer upon them? Or when a person was a landowner and householder in a large town, and already paid all the rates and taxes for his tenants, how would the proposed division relieve him or his tenants? In regard to the improvements that had been made in the metropolis, he maintained that they were more for the benefit of the kingdom at large than for that of some portion of the metropolis, though the ratepayers of London, as a class, had had to pay the cost. The Thames Embankment, for example—how did it advantage the persons who lived on the other side of Blackfriars Bridge—except, perhaps, as a promenade on Sunday? Or in the case of the vagrants, who were every day becoming more troublesome and difficult to deal with—their very name implied a want of locality—yet how were the charges for this miserable class borne? Was it not the fact that though their treatment was regulated to the minutest particulars by the Poor Law Board, the cost of their maintenance fell upon the ratepayers of a particular locality? In regard to the attendance of *ex officio* Guardians at the meetings of the Guardians, he admitted that their more frequent presence was desirable, but it was difficult to understand that it would be of much use, in the form and for the purposes now proposed. It was clear to him that the House was disposed to place taxation equally on things and persons, and he heartily supported the Amendment brought forward by the hon. Baronet the Member for South Devonshire.

COLONEL FRENCH said, he rose solely to ask his right hon. Friend the President of the Poor Law Board whether it was his intention to extend the inquiry of the Committee to the incidence of the rates in Ireland? Ireland had a right to ask very particular inquiry into the subject of her local taxation. He had at different times called the attention of the House to the state of things which existed in that country, and the anomalies which prevailed, and he thought that they were fully worthy of the attention of the Government.

MR. G. GREGORY said, the exemption enjoyed by real property consisted only of the probate duty. There was, indeed, another nominal exemption in respect of legacy duty; but that was fully counterbalanced by the succession duty on real property. Taking into consideration the expenses attendant on succession, and the fact that, owing to the construction of the word predecessor in the Act, the duty was frequently assessed at 5 or 10 per cent, whereas in the case of legacy duty it would be 1 or 3, the duty fell very onerously upon successions, and a tenant for life was led frequently to suppose, at any rate for the first two years of his possession, that he had come into a *damnosa hereditas*. Was the right hon. Gentleman opposite prepared, then, to carry out an equalization of the imposts upon real and personal property? What were the exemptions of personal property? First, the £800,000,000 of funded property was totally exempted; next bills of lading and dock warrants, transfers on the Stock Exchange, and the large loan transactions which passed through bankers every morning were likewise exempted. On the other hand, there was imposed a duty of 5*s*. for every £100 in all sales and of 2*s*. 6*d*. on all mortgages of real property. If the right hon. Gentleman was prepared to extend those imposts to personal property, they might be prepared to assent to his proposition.

Dr. BREWER thought the question raised by the latter part of the Motion—namely, what changes in the constitution of the local bodies now administering rates should follow the contemplated division of burdens as between the owners and the occupiers of rateable property—was a most important branch of the subject. There could be no doubt that great changes in that respect were needed. Hon. Gentlemen opposite should remember that, though they could not now obtain all that they wished, the responsibility of personal property for some of the rates could not be much longer postponed. At the same time, the large owners of property in that metropolis certainly did not contribute to local taxation for improvements in anything like the proportion in which their property enjoyed the benefit of them.

Mr. ASSHETON said, it seemed to be supposed that the county magistrates took a pleasure in voting away the money of other people. If any one in the House took that view he laboured under a great mistake, for it must be remembered that the county magistrates were themselves owners of property; and whoever might pay the rates in the first instance, in the end they came out of the pockets of the owners. The greater part of local taxation was collected under the head of poor rates, and these might roughly be divided into two branches—that which was administered by the Boards of Guardians, who were for the most part occupiers; and that which was administered by the magistrates in quarter sessions, who were for the most part owners. So that, by a sort of rough justice, half of these rates were expended by owners and half by occupiers. But the fact was that complaints of grievances were heard on both sides. The moral he drew from this was, that the proposed Committee was highly desirable, by whom all these questions might be sifted, and it would be seen where the real grievance lay. But, at the same time, it was to be clearly understood the right hon. Gentleman at the head of the Government admitted that the appointment of the Committee would not bar the House from expressing its opinion on the question how far certain expenses now borne by local rates might be charged on Imperial transactions.

Mr. GOSCHEN said, that the course of this debate had clearly shown how necessary it was to place accurate limits upon the inquiries of this Committee, because if the various suggestions which had been thrown out in the course of the discussion were adopted in the order of reference, almost everything connected with Imperial finance and with local taxation would come within the scope of their inquiry, and, instead of being able to bring their inquiry to a conclusion within one Session, the Committee would be employed on it for two or three years. The hon. Member for South Leicestershire (Mr. Pell) had stated that in Prussia eight years were occupied in such an inquiry as was now proposed; but as in the present case the statistics were nearly ready, it would not take as many months for the Committee to inquire into the questions raised by the order of reference. Of the two points which were laid down in his Motion—whether it was expedient that the rates should be divided between occupier and owner, and by whom they were to be administered—only one or two speakers had really confined themselves to these questions. But he thought the occupiers would have great cause to complain if the examination of their grievances was to be postponed until they had inquired into those larger questions which had been raised. He believed that, looking to the rise in the rent of land, and other considerations, the land did not bear a larger burden now than it did thirty or forty years ago; but houses were in a very different position. If there were any grievances to be complained of, it was on the part of the houseowners, not the landowners. As his right hon. Friend (Mr. Gladstone) had stated, the adoption of this Motion would not preclude the House from afterwards going into any other inquiry; but he wished to deal frankly with the House, and to say that the proposal to include in the inquiry the question of the propriety of extending rating to personal property was not one to which he could agree. He had no objection to the suggestion made by the hon. Member opposite that it would be desirable to include in this inquiry the propriety of having different proportions for different rates. He could not agree with the hon. Member for Roscommon (Colonel French) that the question of Irish taxation should be taken up by this Committee, but he was ready to accept the addition suggested by the right hon. Gentleman the Member for the University of Oxford.

Amendment, by leave, *withdrawn.*

Select Committee *appointed,* "to inquire and report whether it be expedient that the charges now locally imposed on the occupiers of rateable property should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division."—(*Mr. Goschen.*)

Instruction to the Committee, to inquire further into the proper classification of rates, with a view to determine their proper incidence upon the owners or occupiers of such rateable property.—(*Mr. Corrance.*)

And, on March 3, Committee *nominated* as follows:—Mr. HUNT, Mr. AYRTON, Sir MASSEY LOPES, Mr. ACLAND, Mr. CORRANCE, Mr. RATHBONE, Mr. PELL, Mr. GEORGE GREGORY, Sir WILLIAM TITE, Mr. FIELDEN, Sir HEDWORTH WILLIAMSON, Mr. WILLIAM HENRY SMITH, Mr. BACKHOUSE, Mr. WHEELHOUSE, Mr. ST. AUBYN, Colonel BRISE, Sir JAMES LAWRENCE, Mr. BIRLEY, Mr. WALTER, Mr. CHARLES SEELY, junior, and Mr. GOSCHEN:—Power to send for persons, papers, and records; Seven to be the quorum.

INVERNESS COUNTY, &C. (BOUNDARY) BILL.

On Motion of Mr. CAMERON, Bill to define the Boundary between the Counties of Inverness and Elgin or Moray, in the District of Strathspey; and for other purposes, *ordered* to be brought in by Mr. CAMERON, Colonel GRANT, and Mr. MACKINTOSH.

Bill *presented,* and read the first time. [Bill 38.]

BAKEHOUSES BILL.

On Motion of Mr. LOCKE, Bill to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853, so far as it relates to Bakehouses, *ordered* to be brought in by Mr. LOCKE and Mr. HOLMS.

Bill *presented,* and read the first time. [Bill 39.]

MEDICAL ACTS AMENDMENT BILL.

On Motion of Sir JOHN GRAY, Bill to amend the Medical Act of 1858, and the Acts amending the same, *ordered* to be brought in by Sir JOHN GRAY and Mr. GRAVES.

Bill *presented,* and read the first time. [Bill 40.]

House adjourned at a quarter after Twelve o'clock.

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HOUSE OF LORDS,

Tuesday, 22nd February, 1870.

MINUTES.]—PUBLIC BILL—*Second Reading*—Sunday Trading (5).

PRIVATE BILLS.

Ordered, That this House will not receive any petition for a Private Bill after *Monday* the 21*st of March* next, unless such Private Bill shall have been approved by the Court of Chancery; nor any petition for a Private Bill approved by the Court of Chancery after *Monday* the 9*th of May* next:

Ordered, That this House will not receive any report from the judges upon petitions presented to this House for Private Bills after *Monday* the 9*th of May* next:

Ordered, That the said Orders be *printed* and published, and affixed on the doors of this House and Westminster Hall. (No. 12.)

SUNDAY TRADING BILL—(No. 5.)

(*The Lord Chelmsford.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD CHELMSFORD, in moving the second reading of this Bill, said, he desired, as briefly as possible, to recall to their Lordships' recollection the circumstances in connection with Sunday trading, which called imperatively for legislative interference. The law on the subject, as their Lordships were aware, was contained in a statute of Charles II., entitled "An Act for the Better Observance of the Lord's Day, commonly called Sunday." This statute was divided into two parts; one of which he might call commanding, and the other prohibitory. The former, which related to the manner in which Sunday was to be observed by all persons, was in these terms—

> "That all and every person or persons whatsoever shall, on every Lord's Day, apply themselves to the Observation of the same by exercising themselves thereon in the duties of piety and true religion, publicly and privately."

The prohibitory part was as follows:—

> "That no person should exercise any worldly labour, business, or work of his ordinary calling on the Lord's Day, under the penalty of 5*s.* and forfeiture of all goods shown forth or exposed to sale on that day."

There were certain exceptions in the Act, but they were very few, being confined to the dressing of meat in families, the dressing or selling meat in inns, cookshops, or victualling-houses, "for such as otherwise cannot be provided," and the crying or selling milk before 9 a.m. and after 4 p.m. Dismissing the first part of the Act of Charles with the remark that it was an attempt—to use a hackneyed expression—to make men religious by Act of Parliament, and therefore had, probably, produced very little effect; it was notorious that the second part, whatever its original efficacy might have been, had in modern times been flagrantly and openly violated, and that its enforcement had proved impracticable. He apprehended that the reason for this was, first of all, the construction which had been put upon the Act, by which it was held, that no person can be convicted for having kept open shop on Sunday, unless it is distinctly proved that he has sold something—which, as their Lordships might imagine, was frequently impracticable; and as to the forfeiture of the goods, that can only take place upon conviction before a magistrate, and no summons can be taken out till the following day, when the goods have either disappeared or been consumed. Moreover, the single penalty of 5*s.* for a whole day's transactions, whatever it might have been originally, was so insignificant, considering the present value of money, and in comparison with the profits derived from Sunday trading, that persons, he was told, had, on being challenged, jeeringly offered to pay it to the policeman at once, or even in advance. Under these circumstances, it was not to be wondered at that Sunday trading was carried on in the metropolis to an extent hardly conceivable by those who had not turned their attention to the subject. He was informed, as the result of careful examination, that not less than 10,000 shops were open every Sunday in the metropolis and its suburbs, the traffic not being confined to things perishable, but including miscellaneous articles, which might be as easily and conveniently bought on a week-day. Tradesmen, indeed, in what he might call the infected districts drove a brisker trade on the Sunday than on any other day; and purchasers, on the other hand, liked to go to market on that day, because, in addition to buying what they wanted, they could go to the various exhibitions that were open. Sunday after Sunday, thousands on thousands of persons went to these places, where they enjoyed at once the convenience of a market, and the pleasures of a fair; and thus these places were scenes of tumult and confusion, which caused serious annoyance to those who were desirous of spending the day in a more becoming manner. There appeared in *The Times*, during the year 1868, a graphic description of the state of things prevailing in the neighbourhood of Shoreditch, which he had reason to believe was still applicable both to that and other parts of the metropolis. After referring to the way in which Divine Service was interrupted, and to a letter addressed by the Bishop of London to the Superintendent of Police, urging the suppression of the evil, the writer said—

> "Since that time the police have been much more energetic than before in preventing the congregation of persons in the immediate vicinity of the churches to which we have alluded, but in the present state of the law the authorities, though able perhaps to modify, are powerless in their efforts to destroy what the most indulgent observer must confess to be a flagrant violation of Christian feeling and social decency. . . . The operations of the fair extend over five streets—Club Row, Bacon Street, Brick Lane, Sclater Street, and Hare Street. Hare Street is an extension of Sclater Street, and the four other thoroughfares form an irregular quadrilateral. . . . Every Sunday Rotherhithe and Bermondsey send up their contingents; the commercial interests of the Borough, Chelsea, and Wandsworth are carefully regarded; and even such remote places as Norwood and Croydon are not entirely unrepresented. For the most part these men have no definite

> occupation. The predilections of the bird-fanciers however, cannot be mistaken, for their short thick necks, their closely-cropped hair, and their supercilious contempt for a display of collar or shirt-front display an hereditary admiration for the gladiators of the ring."

After describing some of the features of the fair, the writer proceeded thus—

> "A moment, and one hears words of ejaculation or disappointment, as the result of a pigeon match which has just been decided is known, but the expressions are intensified by the most terrible blasphemy. Of particular incidents of obscenity, which cannot fail to meet the eye on a visit to the fair, we cannot, for obvious reasons, speak. . . . . The Rev. Isaac Taylor and other clergy are exerting themselves energetically to diminish the evils of which this Sunday market is the cause; but in the present state of the law, while they may be successful in preventing an increase of the scandal, an attempt to suppress the fair altogether would be absolutely hopeless."

This was no new evil. For nearly forty years the attention of Parliament had been directed to it, and Committees of both Houses had recommended legislation. In 1847, though the evil had not then attained such enormous dimensions, a Committee of the House of Commons made this Report—

> "Your Committee have examined many witnesses, of a great variety of opinions, who nearly all agree that Sunday trading is carried on to a great extent in the metropolis, and that in many parts it has been on the increase for several years past. Evidence has also been given which goes to prove that it is not confined to articles of a perishable nature, or of necessity, but extends to many things that may be purchased on any other day of the week; as boots and shoes, hats, clothes, drapery, toys, furniture, crockery, ironmongery, and grocery, &c. . . . Your Committee have no hesitation in expressing their conviction of the injurious effects of Sunday trading. They have reason to believe that more than 5,000 tradesmen in the metropolis, with probably three times that number of journeymen and boys, are almost entirely deprived of the benefits derivable from one day of rest out of the seven days of the week. . . . Though your Committee do not consider that the penalties of the law can be properly applied to the strict and complete observance of the Sunday, yet they feel called upon to recommend the introduction of a measure for effectually prohibiting public marketing and the open exposure and sale of goods on Sundays; the penalties to be enacted not being applicable to the sale of necessary articles of food for a certain period of the day, previous to the customary hours for the celebration of Divine worship. Your Committee are encouraged to believe that a Bill founded upon the above principles would be beneficial to all the parties interested, and most useful to the community at large. The wish of your Committee is to liberate (not to fetter), and to give the different classes engaged in Sunday trading a day of rest, without interfering with the necessary comforts of the other classes of society."

Several Bills had been introduced from time to time both in this House and in the House of Commons dealing with the subject. In 1850 his noble Friend the Earl of Harrowby introduced a Bill in this House which was referred to a Committee which reported in its favour, with some alterations. Bills were introduced also in 1832, 1845, 1855, 1860, and during the last four successive years, from 1866 to 1869, all based on the recommendations of the Committee of 1847. All of these were intended, not as some people supposed, to force people to be religious, but to give them the opportunity of employing the Sunday in a becoming manner. These Bills had invariably been thwarted by the combination of two opposite classes. One class objected to legislative interference altogether, thinking that every man should be allowed to do what was right in his own eyes; while the other, composed of very conscientious men, were unwilling to admit of any exceptions being made in the Bill, as amounting to a legislative sanction for the desecration of the Lord's Day. Now, to the first class he would say —"Your objection comes rather too late, because for 200 years there has been an Act directed to this object. It is impossible, therefore, to say, that the question of the propriety of legislative interference has not been determined. Your real objection to the measure is that being breakers of the law, you do not like a proposal to make that law more efficient." With regard to the other class, he was bound to respect their opinions, but he must say that they entered into a strange combination with men of opposite sentiments to their own for the purpose of defeating Bills of this description. He would say to them—"Your objection has been anticipated, because in the Act of Charles II. there are exceptions, and therefore you must object that the exceptions contained in the Act of Charles II. are quite sufficient, and render the introduction of any others unnecessary." He would address himself seriously and earnestly to this class, and ask whether they did not witness with deep concern the scenes which took place every Sunday at the different fairs and markets where Sunday trading was carried on, and he would ask them whether, after the experience of several years, they could hope to carry a Bill through both Houses unless such exceptions as were found in this Bill were introduced in it? He would call their attention to the remarks of the *Edinburgh Witness*, the organ of one of the most Sabbath-observing bodies in Scotland, with reference to the Bill of Lord Robert Grosvenor, now Lord Ebury, but equally applicable to all Bills of this kind—

> "Its provisions are not too strict upon Sunday dealers. . . . It may seem that these are no great reforms to be accomplished, and neither are they; but the authors of the Bill are in the right to proceed cautiously. It is an axiom that can never be safely overlooked, that laws ought never to outstrip the manners of the people, if they are to be operative at all; and in no case is this more true than in the laws which are to interfere with the private and domestic habits of the people. There are large districts in this semi-heathen metropolis where the markets are in full swing just as a few stragglers in the neighbourhood are on their way to church, the wives of the workmen never thinking, apparently, of coming out to market till between ten and eleven on the Sunday forenoon. Suddenly to close all these shops together would cause a revulsion which the enemies of Sunday observance would know well how to take advantage of, and would throw the cause back further than ever."

These were words of prudence and wisdom; and he (Lord Chelmsford) would ask these conscientious persons whether some responsibility may not attach to them if by opposing such Bills—merely because though advancing in the right direction they did not go as far as they desired—they prevented a mitigation of the evil. He disclaimed any intention of forcing men to be religious; but there were thousands of tradesmen who, with their wives and children, apprentices and servants, were now debarred the blessed privilege of a day of rest. He had heard it said, indeed, that they had only to agree together that they would close their shops, and the thing would be done without an Act of Parliament. But the experiment of making arrangements in different districts had been repeatedly tried and failed, through the refusal of some persons to enter into the agreement, and thereby reaping the benefit of a monopoly. It had also been said that if persons wished to attend church and duly observe the day, they had only to close their own shops. But though, strictly speaking, men ought to sacrifice their worldly to their spiritual interests, the infirmity of human nature must be considered. Many of them were carrying on a humble business, which barely sufficed for the support of their families. If any portion of their trade was diverted from them distress would come upon them, and to expect them to throw into the hands of their rivals an entire day's business would be putting a yoke on their necks which they were unable to bear. Thousands of these tradesmen had petitioned Parliament over and over again to interfere for their protection; and the apprentices and servants, who were compelled to work because their masters did so, were still more entitled to protection. He might, however, be asked, what better prospect there was than in former years of carrying a measure of this kind. Now, recent circumstances had led him to feel a sanguine expectation of success. When in 1866 he introduced such a measure into this House, an Amendment was moved to read it a second time that day six months; but the second reading of the measure was agreed to without a division. In Committee, the several clauses had been carried, some upon divisions; but on the Report, the noble Lord the Chairman of Committees, without having given him the slightest warning, proposed, as the sole provision, that Sunday trading should be prohibited between 10 a.m. and 1 p.m. That Amendment was carried by a majority of 14; whereupon, this being contrary to the principle of the measure, he (Lord Chelmsford) declined to persevere with the Bill. The noble Lord the Chairman of Committees thereon, said he would carry it through himself, and proposed the third reading. That kind and good man the late Lord Taunton divided the House, and there being a majority of one for the third reading, he divided again on the Motion that it should pass—the result being that the Bill was thrown out by a considerable majority. At that time, thinking he had had rather hard measure, he (Lord Chelmsford) was not disposed to raise the question again. In 1867, however, Mr. Thomas Hughes, then Member for Lambeth, at the request of many of his constituents, introduced a similar Bill in the House of Commons. It was read a second time without a division, the Home Secretary, Mr. Walpole, stating that it deserved attention, and would effect a considerable improvement. It was committed, but had not got through Committee on the 24th of July, and was no proceeded with. In 1868 Mr. Hughe re-introduced it, and the then Hom Secretary, Mr. Hardy, expressed an opinion that it ought to go into Committee and there was a majority of 68 to 31 fo the second reading; but the pressure c other business again prevented its proceeding further, and it was withdrawn. Nothing daunted, but rather encouraged, Mr. Hughes revived it last Session, when the second reading was unopposed; and in Committee the present Home Secretary said—

> "It was impossible to deny that there was good reason for dissatisfaction with the laws which had been made to enforce the observance of the Sabbath, the Acts already passed for that purpose being notoriously violated. As regards the present measure, which, to a great extent, was one of detail, he had thought that the best course was to allow its passage through Committee, and to lecide, on its coming out of Committee, whether he Government should give it further support at he next stages."—[3 *Hansard*, cxcv. 801.]

He thought that, after the approval of ts principle thus repeatedly expressed y the other House, and by successive Home Secretaries, he was warranted in anticipating a successful result this Sesion; but he had hitherto refused to introduce it in their Lordships' House, and had only consented to do so now on he assurance that if their Lordships hould send it down to the other House efore Easter its chance of passing would e greatly increased. He trusted that his anticipation would be realized, and hat the earnest prayer of tens of thouands of tradesmen would be at last eard—for it was almost a reproach to Parliament that it should be still condering a measure recommended by a ommittee of the House of Commons early forty, and by one of this House venty years ago, although during that nterval the evil had considerably ineased. Unless a remedy is applied, unday trading is allowed to go on ineasing without check, and the result ill probably be that predicted by Earl ussell in 1866—

> " There is some reason to fear that this will go until the question of buying and selling on nday is looked upon as a matter beyond legistive interposition, and it will be supposed that e law allows both buying and selling on Sunday st as on any other day."—[3 *Hansard*, clxxxiii. 42.]

Moved, "That the Bill be now read ."—(*The Lord Chelmsford.*)

THE BISHOP OF LONDON wished, in e absence of the Archbishop of Canterury, to thank the noble and learned ord for having introduced this Bill. appeared to be a moderate and wellnsidered measure, directed against a ry serious evil. The demoralizing inuence of Sunday trading could be doubted by none who had observed it, as anyone might easily do by going into the New Cut, or even into some of the back streets of Westminster, or the eastern part of St. James's. This was, to a great extent, a traders' Bill, for the Sunday traders themselves as a body were most desirous of relief from what they felt to be a burden. Some, no doubt, from conscientious scruples, but most from a desire to have one day's rest in the week, were anxious for the assistance of Parliament in what they, rightly or wrongly, thought themselves unable to do unassisted. There were those who did not feel that duty was in the end its own reward, and others desired the protection of Parliament against less scrupulous rivals. He could give an instance where, as the noble and learned Lord had pointed out, the neighbourhood had agreed among themselves to abstain from Sunday trading. All went on well for several weeks, and they were congratulating themselves on their freedom; when one, more needy or unscrupulous, re-opened his shop; another and another followed, until at last everything went back to its former state. But it was a mistake to suppose that it was only the sellers to whom Sunday trading was an evil. Buyers, it should be borne in mind, were almost equally injured, for the facility of Sunday trading enabled and encouraged the working man to return home late on Saturday night, with his wages in most cases diminished by the places he had been visiting. Sunday trading made the Sunday home uncomfortable, for it induced the wife to go out shopping on a Sunday morning, leaving the room untidy, so that when the husband came down, after, perhaps, a lengthened slumber, he found his home so uncared for that he went to seek comfort elsewhere. It also put attendance at Divine Service out of the question; and often prevented the children from being sent to school. Working men were fully aware of those evils; and last year he was one of a large deputation that waited on Mr. Gladstone respecting the Sunday opening of places of amusement, when many working men spoke strongly on the moral and physical necessity to the well-being of their class of a day of rest. The present Bill fairly met every objection to which a measure of this kind was liable. It would prevent Sunday trading, which the present law did not, while it would exempt everything which the most indulgent construction could regard as a necessity, and it would inflict no hardship on the buyer, for the markets were open late on Saturday nights. At these most of the articles the poor required could be procured; and though there were some, doubtless, which in their crowded and ill-ventilated dwellings could not well be kept, there would be ample time to purchase these in the hours allowed by the Bill on Sunday morning. There was, of course, the objection which one could not but respect—that by confining the penalty to certain cases the Bill appeared to legalize those excepted: but, strictly speaking, this was not the fact. It did not repeal the Act of Charles II., it left the law with regard to articles not exempted as before; but it did not endeavour to inflict penalties which experience had shown could never be exacted. It was surely worse practically to sanction wholesale Sunday trading by the mere maintenance of a law which could never be enforced than by moderate restrictions to mitigate evils which could not be entirely suppressed. Nobody pretended that men could be made religious, temperate, or chaste by Acts of Parliament; but legislation could diminish temptation by restricting the opportunity; and this was the principle of our licensing system, as well as of the recent proceedings against betting-houses. The Bill, though it would not put an end to Sunday trading, would considerably diminish it, it would help those who desired to help themselves, it would lessen temptation, and encourage the formation of habits which growing slowly, like all habits, might bring about a much better observance of the Lord's Day and be of incalculable good to the religion, morals, and health of the people.

The Earl of MORLEY said, he acknowledged the extent to which Sunday trading at present prevailed, but he was not sanguine enough to think that this Bill would effectually stop it; its principle had, however, been several times before Parliament, both in this and in the other House, and it had commanded a certain amount of support. The present state of the law was certainly far from satisfactory, for magistrates scarcely knew how to act, whether to enforce the existing law or to consider it in abeyance; and the noble and learned Lord (Lord Chelmsford) had shown that the sellers, at any rate, ought to be protected. There were, however, one or two points in the Bill to which he desired to call the noble and learned Lord's attention. As he understood it, it did not repeal the statute of Charles II., which therefore would still apply to the metropolis and other large towns included in the Bill.

Lord CHELMSFORD explained that the measure would apply to the metropolis and towns with 10,000 inhabitants, and that elsewhere the old statute would remain in force.

The Earl of MORLEY thought that in that case the old statute should be repealed as regarded those places.

Lord CHELMSFORD said, that the Bill introduced last Session contained a proviso that nothing therein contained should interfere with the Act of Charles II., except as far as the two measures were inconsistent. This, however, was unnecessary, for, if the affirmative part of an Act was inconsistent with a prior one, it was thereby virtually repealed.

The Earl of MORLEY still thought it would be advisable in Committee to make the point clear. In order to facilitate the operation of the measure, it was desirable to make the hours fixed for closing as uniform as possible; but he observed that the sale of some excepted articles was to cease at 9 and others at 10 o'clock.

Lord CHELMSFORD said, this was an oversight. It should be 10 in both cases.

The Earl of MORLEY wished also to point out that in case of a second conviction, the penalty of not less than 20*s.* and not more than 40*s.* for each transaction would be rather severe; for a person who, during a single quarter of an hour after the prescribed time had sold twenty oranges or twenty boxes of lucifers, would thus be fined not less than £20, and there was no alternative in default of payment; and he did no think penalties of so severe a character calculated to ensure conviction, but rathe would defeat the object of the Bill. The object of the Bill all their Lordships mus approve, for it was to secure to the lower classes a weekly day of rest; and whil thinking that Amendments might b made in Committee, he, on the part o the Government, should offer no objec tion to the second reading.

The Duke of SOMERSET said, th remembering the noble and learned Lord's (Lord Chelmsford's) declaration in 1866 that he would have nothing to d with Sunday Bills again, he was surprised at his taking up the question once more; but presumed that, after the recent complaint that the House had nothing to talk about, he had thought it a good opportunity for again presenting his little Bill. For his own part, however, considering the press of other measures, he saw no chance of its passing through both Houses this Session, and, if so, it was unwise to revive it. He should be inclined to support an Amendment like that moved by the noble Lord (the Chairman of Committees) on a former occasion, for that was a clear and distinct course; whereas, the Bill, as it stood, was unsatisfactory. While forbidding the sale of vegetables, fish, and poultry after 9 a.m., it permitted the sale of fruit in the afternoon. Now, in the districts affected all these things were often sold in a single shop—so that it would be open in the morning for some articles and in the afternoon for others. This evidently would not work. The delay in carrying out the recommendations of the Committees might be attributed to Parliament having thought better of the subject. And so far from the evil having increased during the last thirty years, he was convinced, having regard to the whole country, that the Sunday was now much better observed than at the earlier period. Remembering that the introduction of measures on this subject had some years since led to riot and disturbance, Parliament no doubt felt that it would be wiser not to proceed with this kind of legislation. He believed that this measure would give rise to great discontent; but though he deemed it unwise, he was not prepared to oppose the second reading, but would trust to its being amended in Committee, unless, indeed, the noble and learned Lord who had introduced the measure would consent to its reference to a Select Committee.

THE BISHOP OF GLOUCESTER AND BRISTOL trusted that the noble and learned Lord who had charge of this Bill would not consent to any proposal to refer it to a Select Committee. There was no doubt that the objections which might be urged against the Bill were very strong. This was sufficiently shown by the fact that there had been already so many failures in attempts at this kind of legislation within the last few years. These objections were of a character that could not and ought not to be passed over in silence by any candid speaker. He would shortly notice them. The chief objection to a measure of this nature was that it was a Bill of class legislation; and those who belonged to clubs, of which they could make full use on Sundays as well as other days, unrestrained by anything except the rules of the establishment, could not but acknowledge that there was much that was true in this charge. They could not, also, lose sight of the fact that a Bill of this kind, if it passed, must greatly interfere with the means of livelihood of a great many of the poorer classes. Again, another objection was that they were trying to do by legislative enactment that which they should endeavour to secure by moral influences. Having thus stated the objections which might be urged against a Bill of this character, he still could not help feeling that, great as they were, the arguments in its favour preponderated. It had been shown that Sunday trading was seriously on the increase; and that being the case, when no reasons founded on increased necessity could be specified, it became their duty to consider whether there was not now a positive danger of a gradual desecration of the Lord's Day, whether this ought to be left unchecked in a Christian country, and whether, moral influences having failed, it was not now the right time to turn their attention to legislative and repressive measures. The noble and learned Lord who introduced the Bill (Lord Chelmsford) had called attention to the scenes of license and iniquity to which this system of Sunday trading gave rise, and it was for them to consider whether it was not their duty to endeavour by some such measure as this to suppress a traffic which led to evils so grave and serious, even in the face of the arguments, strong as they were, which might be urged against the Bill. Again, he felt that they were bound to protect the honest God-fearing tradesman, and to some extent to assist him in his struggle to do his duty, and to resist the temptations to which he was exposed: because the retail tradesman in the poorer districts, though frequently anxious to close his shop on the Sunday, was often prevented from doing so, not only by the disinclination to losing the small gains he might otherwise make by the additional day's trading, but by the real and positive fear of offending, and so of losing his week-day customers.

The evils, then, were therefore, so great that he felt himself bound to give his support to the noble and learned Lord in his desire to pass a measure for which he believed the time was no more propitious than before, and for which the extension of the Saturday half-holiday had done much to pave the way.

THE EARL OF WINCHILSEA thought that restriction should be placed upon the buyer as well as the seller.

LORD CHELMSFORD replied, that if an obstacle were put in the way of the seller the would-be buyer could not possibly make any purchases.

THE LORD CHANCELLOR said, he was as anxious as any of their Lordships could be that the means should be afforded the working-classes of having at least one day in the week to themselves. How they should spend that day it was, of course, beyond the power of Parliament to determine; but he thought it desirable that they should have the opportunity of self-cultivation,—of cultivating their hearts if not their heads,—some portion of their time to devote to their families and their homes. All this was plainly desirable; but, further, any means that could be devised for securing to the working-man his one day of rest, would secure him from the fate into which he feared he must fall—that the system of continuous labour would end in his having to work seven days for the wages which would otherwise be paid for six. He believed moral suasion and education would give the people a taste for home pursuits and rational recreations, and, it was to be hoped also, for something higher and something better; but he felt considerable misgivings as to whether any legislation would. He certainly should not oppose the second reading of a Bill introduced with so excellent an object; but when they approached the consideration of the clauses, he greatly feared it would be found extremely difficult to give effect to the objects aimed at; for if, by any apparent severity of its provisions, the measure were rendered odious to those whom it was intended to benefit, or if, by those who wished to mislead the people, unfounded contrasts were drawn between the mode in which rich and poor were dealt with—although he believed that no one was benefited so much as the poor man by securing to him a day of rest—yet, knowing that such arguments could be used, and, no doubt, would be used, he greatly feared that, as the result of such a measure, some of those means which now existed of prevailing upon the bulk of the people by moral influence to enjoy the day of Sunday rest would be lessened or withdrawn. No doubt there were still, and would, doubtless, continue to be, large districts in which, whatever might be done in the way of the larger education of the people—and this year he hoped that something would be done in that direction—large numbers would refuse to be brought within the sphere of its influence; but he very much doubted whether their own happiness or good would be promoted in the end by any compulsory effort of legislation. Nevertheless, he should approach the measure of the noble and learned Lord with the most earnest desire to discover if anything were practicable in the direction in which he desired to lead them. As regarded the Act of Charles II., discussions which had been held in their Lordships' House within the last two or three days as to the exact effect of repealing an Act of Parliament by implication showed that, if they intended to deal with that Act at all, it ought to to be by plain words and by direct enactment.

Motion *agreed to;* Bill read 2ª accordingly and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at half past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 22nd February, 1870.

MINUTES.]—NEW MEMBER SWORN—William Henry Foster, esquire, *for* Bridgnorth.

PUBLIC BILLS—*Ordered*—Benefices.

Ordered — First Reading—Suburban Commons [41]; Coroners* [42]; Married Women's Acknowledgments* [43]; Adulteration of Food or Drink Act (1860) Amendment* [44]; Public Prosecutors* [45].

Referred to Select Committee—Oyster and Mussel Fisheries Supplemental* [34].

Third Reading—Dissolved Districts and Unions* [17], and *passed.*

ARMY—THE VOLUNTEERS.

QUESTION.

MR. RODEN said, he would beg to ask the Secretary of State for War, When he intends to arm the Volunteers with breech-loading rifles?

MR. CARDWELL said, in reply, that he was afraid that they would not be able to arm the Volunteers with breech-loading rifles until it had been determined what precise kind of weapon should be adopted for the Army. He had reason to believe that the Volunteers themselves were of opinion that it would be desirable to postpone arming them with breech-loading rifles until that decision had been arrived at.

BRITISH MUSEUM.—QUESTION.

MR. COWPER-TEMPLE said, he wished to ask the First Commissioner of Works, Whether the Government are prepared to take measures for relieving the overcrowded condition of the objects placed for exhibition in the British Museum, by means of the erection of a new Building for the Collections of Natural History?

MR. AYRTON, in reply, said, the subject referred to in the Question of the right hon. Gentleman had engaged the attention of the Government, who were fully alive to the importance of relieving the overcrowded state of the Collections in the British Museum; but they had not yet arrived at a final determination as to the best mode of accomplishing that object, and until that determination had been come to, he could not further answer the Question.

METROPOLIS—ST. LUKE'S HOSPITAL. QUESTION.

COLONEL BARTTELOT said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the Report of the Lunacy Commissioners on the condition of St. Luke's Hospital for Lunatics; and, whether he is prepared to take some action with regard to that charity, either through the Commissioners in Lunacy, or by some Special Commission, so that the object for which the charity was endowed may be properly carried out? He would add that since giving Notice of that Question he had seen a memorandum of the Committee of the Hospital, and understood they were anxious that an impartial inquiry should be instituted.

MR. BRUCE said, in reply, that St. Luke's Hospital had been the subject of the criticism of the Commissioners in Lunacy for the last twenty years. With respect to the present site of the hospital, they reported as long ago as the year 1851 that it was most objectionable, and also that the construction of the building was unsuited to the most improved treatment of lunatics. With regard to the structure of 1863, they reported that no amount of expenditure would cure its radical defects as a building for the proper treatment of insane patients. In the Report to which the hon. and gallant Gentleman alluded, they said that the structure was unsuited to the purpose to which it was devoted, that the rooms were dark and gloomy, and there was a difficulty in getting warmth into the wards. They admitted, however, that many alterations had been made with a view to lessen the disadvantages resulting from the incurable defects of the building; and to add to its cheerful- of late, he was bound to say that the churchyard had been enclosed, and was now converted into a lawn. In that condition of things, it was very perplexing, and he might almost add vexatious, to find that in the General Report of the Lunacy Commissioners on the state of the inmates of the asylum it was said that, with few exceptions, none of the patients were suffering from any degree of excitement on either side of the hospital, and that their appearance and general bodily condition were throughout healthy and satisfactory. He had no doubt that the criticisms of the Commissioners were generally correct, and he was also informed that it was the design of the managers of the establishment to submit it to the most searching inquiry. It did not seem to him that any advantage would result from instituting an inquiry by the Lunacy Commissioners. Those Commissioners had repeatedly reported their opinion on the subject, and they could only be expected to embody it again in the same language as they had used during the last twenty years. As to the appointment of a Commission, an application had been made by the Trustees to the Lord Chancellor; but his Lordship informed them he had no power to issue such a Commission. The suggestion had been frequently made that the property should be sold and the hospital removed to the country, where a more cheerful site could be got; but he was told that the property was held under a lease from St. Bartholomew's Hospital, and that the Trustees were not in a position to remove the establishment. The only effectual mode of dealing with the matter would seem to be by an Act of Parliament; but he could not say, on the part of the Government, that they were prepared to bring in such a measure.

LAND TENURE (IRELAND).—QUESTION.

Colonel BARTTELOT said, he would beg to ask the First Lord of the Treasury, Whether the Acts 23 and 24 Vic., caps. 153 and 154, the Act to amend the Law relating to the Tenure and Improvement of Land in Ireland, and the Act to amend the Law of Landlord and Tenant, has been made use of; and, if so, whether he has any objection to lay a Return upon the Table of the House, or to state the number of persons who have made use of either of those Acts?

Mr. GLADSTONE replied that a distinction must be drawn between the two Acts to which the Question of the hon. and gallant Member referred. The 23 & 24 *Vict.*, c. 154, was an Act which regulated generally the law between landlord and tenant, and it covered all contracts whatever and every proceeding in relation to land. Consequently, it was not within the knowledge of the Government what number of persons had made use of that Act, but the probability was that persons were every day availing themselves of it. The case of the other Act was quite different. With regard to the 23 & 24 *Vict.*, c. 153, which was said to relate to the tenure and improvement of land, it was possible to find the number of persons who had acted upon it. There were certain Returns upon the subject which were presented in 1863, 1864, and 1865, but he was not aware that they had been continued down to the present time, and if the hon. and gallant Gentleman chose to move for their continuation, there would be no objection to their production.

Colonel BARTTELOT said, he would give notice of his intention to move for the production of the Returns.

THE RELEASED FENIAN CONVICTS. QUESTION.

Sir GEORGE JENKINSON said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to an account in "The Times" of Saturday the 19th instant, of the arrival in Dublin of a body of ten released Fenian convicts from Australia; also an account in the same paper of a mob parading the streets of Cork, with a blazing tar barrel, and other uproarious demonstrations, in honour of the same released convicts; whether he is of opinion that such proceedings, arising in consequence of the release of those convicts by Her Majesty's Government, are conducive to the peaceable administration of the law in Ireland, and to the pacification of that Country, having regard to the state of feeling now and for some time past prevalent there; or whether Her Majesty's Government intend to take any action in the matter, with a view to abate the present state of things in that portion of Her Majesty's Kingdom? Whether these released convicts have been brought back from Australia at the expense of the taxpayers of the United Kingdom, or whether the Government have contributed out of any funds at their command, either directly or indirectly, any of the means for the return of these convicts from Australia to this Country; and, if so, what is the amount paid or to be paid for their passage back, and, if otherwise, at whose expense they have been brought back, and in what ship or ships? Whether his attention has been called to the report in "The Globe" Paper of this day, giving an account of a banquet held on Saturday last at Dublin in honour of the released Fenian convicts, at which banquet Mr. Butt, one of Her Majesty's Counsel, was present, and used language which, as well as the general proceedings, seems to deserve the attention of Her Majesty's Government; and, if the report of his presence be true, especially as to the language and sentiments he is reported to have uttered, whether Her Majesty's Government intend to take any notice of his conduct?

Mr. BRUCE: In the absence, Sir, of my right hon. Friend the Chief Secretary for Ireland, whose duty it would have been to answer these Questions, and who, I am sorry to say, is confined to his house by indisposition, I may state that my attention has been called, since the hon. Gentleman gave his Notice, to the newspaper reports to which he refers. With respect to the demonstration in Dublin, it appears that the Fenian prisoners, on their arrival, went to the theatre in Dublin, where they experienced rather a noisy reception, and an attempt was made on their leaving the theatre to get up a procession, which, however, was speedily suppressed by the police. Since then very little notice seems to have been taken of them in Dublin. At Cork, hearing that there would be some attempt on their arrival there to get up a procession, the Mayor issued a proclamation against any such proceeding. The attempt was made by a mob of no considerable number of persons, principally composed of women and children, who were accompanied by a cart bearing a tar barrel, that I believe was lighted, to go to the station. They were met by the police and quietly dispersed. That, I believe, was the only attempt made in Cork to get up any demonstration. It appears that in both cases the civil authorities vindicated the law and sufficiently suppressed any undue display of sympathy with disloyal persons. As to the second question of the hon. Gentleman, whether the released convicts were brought home at the expense of the taxpayers of this country, I have to say that neither the taxpayers nor the Government have contributed any portion of the expenses of their passage home. I do not know either who paid their passage money, or how much was its amount. I have read an account of a banquet to the released convicts at which Mr. Butt presided; but the report that I have seen does not give Mr. Butt's words. It is only a short summary of his speech, and does not enable me to pass an opinion on the language he used; but, no doubt, whatever he said has been locally reported, and if he did make use of improper language it will come, no doubt, under the notice of the Lord Chancellor.

ARMY—COLONELS ON HALF-PAY.

QUESTION.

LORD **RONALD GOWER** said, he would beg to ask the Secretary of State for War, Whether his attention has been called to a letter in "The Times" of the 7th, signed "H. P.," in which it is stated that the Colonels on half-pay of the purchase Army receive nothing from the Country for their services, and that the interest of their money paid to the Secretary of State for War is more than sufficient to provide their half-pay, and if those statements are correct?

MR. **CARDWELL**: Sir, a lieutenant colonel in the Army has three choices before him. He may remain in the Army till he becomes a major general, or he may wish to retire by the sale of his commission; or, if he prefer to go on half-pay, he may do so, retaining his rank in the Army and his right to become a major general, with a prospect of employment on the Staff. By an arrangement made with the Treasury some time ago, for the convenience of officers, and in order to give promotions in the regiment, the proceeds of the amount for which the commission is sold is paid into a reserve fund. It is quite true that the half-pay of a lieutenant colonel is only a moderate rate of interest on the price of his commission.

EDUCATION—CERTIFICATED SCHOOLMASTERS.—QUESTION.

MR. **ASSHETON CROSS** said, he rose to ask the Vice President of the Council, How far any change in the system of certificates to schoolmasters will be rendered necessary by his Bill? And if he contemplates any alteration in the management of or in the grants to Training Schools; and, if so, to what extent?

MR. **W. E. FORSTER** said, in reply, that in the Education Bill no allusion was made directly to certificated masters; but Clause 7 provided that, after a certain date, all schools would receive grants of money, subject to certain regulations and conditions. In the 83rd clause it was stated that one of the conditions referred to in Clause 7 was a compliance with Minutes issued from time to time by the authority of Parliament, and sanctioned by Parliament. Of course, if the Bill passed into law, as he trusted it might, it would be the duty of the Government to reconsider the existing conditions, with the view of adapting them to the altered circumstances of the case; but until the Bill became law it would be impossible to say how the conditions would finally stand. Certainly the Government would consider with attention the modes in which certificates were given, and probably this was a matter in which revision would be required. There was no reference to the training schools in the Bill; but the management and the amount of the grants to these schools were subjects which, after the passing of the Bill, would have to be duly considered.

ENDOWED SCHOOLS BILL.—QUESTION.

Sir JOHN PAKINGTON said, he wished to ask the Vice President of the Committee of Council on Education, Whether he intends to bring in, during this Session, the second part of the Endowed Schools Bill of last year?

Mr. W. E. FORSTER, in reply, said, his right hon. Friend would remember that the Bill of last year was one affecting the teachers of secondary schools, rather than those of primary schools. After a full consideration of the subject the Government had resolved not to bring in this year such a Bill as that referred to by his right hon. Friend. The very great pressure of Public Business would prevent it; but in the interests of education he did not regret the circumstance, and for two reasons. First, because from information which had been afforded the Government by the managers of endowed schools it would appear that the Government would be in a better position to deal with the subject after this year had passed, because after that time they would be in a position to consider all the schemes which had been sent in after the Act of last year by the governors of endowments. And here perhaps he might be allowed to express the pleasure he felt at the manner in which, generally speaking, the governors of endowed schools had met the desire expressed by Parliament last year. His second reason was that he thought Parliament would be better enabled to go into the subject in a satisfactory manner after the discussions on and the passing of the Education Bill.

DIPLOMATIC AND CONSULAR EXPENDITURE—QUESTION.

Mr. RYLANDS said, he wished to ask the Under Secretary of State for Foreign Affairs, When the Return moved for on the 9th of August last, in relation to Diplomatic and Consular Expenditure, will be laid upon the Table?

Mr. OTWAY replied that the Return would be produced in a few days.

LORD CAMPBELL'S ACT.—QUESTION.

Mr. HANBURY TRACY said, he wished to ask the Secretary to the Board of Trade, Whether it is the intention of the Government to introduce a Bill during the Session to modify Lord Campbell's Act, 9 and 10 Vic. c 93?

Mr. SHAW-LEFEVRE replied that it was not the intention of the Government to do so.

WEIGHTS AND MEASURES.
QUESTION.

Mr. J. B. SMITH said, he wished to ask the Secretary to the Board of Trade, Whether he is prepared to state in what manner the Government intends to deal with the present anomalous state of the Laws relating to Weights and Measures. In 1864 an Act was passed "to render permissive the use of the Metric system of Weights and Measures," but which, in the opinion of the Law Officers of the Crown, was so incorrectly drawn that any person using Metric Weights and Measures, or having them in his possession, is liable to have them seized, and to a fine and forfeiture. And is it the intention of Her Majesty's Government to bring in a Bill during the present Session of Parliament with a view to remedy the defect in the existing Act, and to establish the Metric system in the place of the existing system of Weights and Measures in the United Kingdom?

Mr. SHAW-LEFEVRE said, in reply to the hon. Member, he had to state that the Royal Commissioners for Weights and Measures had, in a recent Report laid before that House, pointed out the anomalous state of the law to which the hon. Member had adverted—namely, that although the use of the Metric system is legalized by the Act of 1864 for contracts, yet the actual use of the weights and measures themselves is illegal, and the weights are liable to seizure and forfeiture. The Commissioners recommended legislation for the purpose of introducing the Metric system, not as a substitute for our present system, but as an addition to it. They recommended, however, that legislation should be postponed until their final Report was presented. He had ascertained that this might be expected before Easter; it would then be for the Government to determine whether to deal at once with this question only, or to wait until they could deal with all the other recommendations of the Commission.

TELEGRAPH COMMUNICATION BETWEEN GERMANY AND AMERICA.

QUESTION.

MR. MATTHEWS said, he wished to ask the Postmaster General, Whether he is aware that a Concession has been granted by the North German Confederation for a line of Telegraphic Communication between Germany and America, and that the Board of Trade have authorized the landing at Lowestoft of a cable from North Germany as one of the links in that line; and whether a request has not been made to him on behalf of the purchasers of the Concession to make arrangements for the connection of the cable to be landed at Lowestoft with the wires of the Anglo-American Company in London; and whether he is prepared to accede to that request?

THE MARQUESS OF HARTINGTON replied that such a request as that alluded to by the hon. and learned Member had been made. There was some doubt as to whether the sanction of Parliament would not be required, and the matter was under the consideration of the Government.

MR. PELL said, he wished to ask the Postmaster General, When the town of Hinckley, in South Leicestershire, is likely to have the benefit of the Postal Telegraph system?

THE MARQUESS OF HARTINGTON said, in reply, that he would make inquiries on the subject with the view of answering the question of his hon. Friend.

IRELAND—TRINITY COLLEGE, DUBLIN.

QUESTION.

COLONEL FRENCH said, he would beg to ask the First Lord of the Treasury, If the statement in the "Pall Mall Gazette" was true that Lord Cairns had had a personal interview with the noble Lord and presented a Memorial from Trinity College, Dublin, praying that all the offices might be thrown open to persons irrespective of their religious creed?

MR. GLADSTONE said, in reply, that a Memorial had been received from the Fellows and Scholars of Trinity College, Dublin, on the subject of throwing open offices in the University of Dublin to persons of all religious persuasions; but if his right hon. and gallant Friend wished to know what the contents of the Memorial were it would be better for him to move for it, and then the document itself might be laid before the House.

EPPING FOREST.—HER MAJESTY'S ANSWER TO THE ADDRESS.

Answer to Address [14th February] *reported*, as follows:—

I have received your Address, praying that I will take such measures as I may deem most expedient, in order that Epping Forest may be preserved as an open space for the recreation and enjoyment of the public.

Concurring with you in the desire that open spaces in the neighbourhood of the Metropolis may, as far as possible, be preserved for the enjoyment of My people, I will carefully consider how effect may be given to the prayer of this Address.

BENEFICES BILL.—LEAVE.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill to render void the sale of the next presentation to a Benefice, said, it was not his intention at the present stage to raise any discussion, because that would be better taken at a future time. He would only explain that nothing could be further from his intention than to interfere with the exercise of lay patronage or the power of laymen to hold advowsons and next presentations to benefices. He did not propose to examine how advowsons came to pass into the hands of laymen, because the House was aware of the circumstances; but to his mind it was of the greatest possible advantage, not only to the Church but to the country, that laymen should hold advowsons as well as corporate bodies, and so long as that was the case advowsons must be the subject of sale like other property. With that state of things it was not his intention to interfere. There was, however, a great difference between the sale of an advowson and that of the next presentation—that was, between the sale of the right to present, and the sale of the exercise of that right. The right to present to a living was practically a public trust of the most serious character, and threw upon the patron of the living a responsibility which he certainly ought not to allowed, in consideration of a money payment, to put off his shoulders. The law gives a man a right to purchase property to which the right of voting was attached, and he could sell that property, together with the right to vote; but, so long as he held the property, he could not sell the exercise of his right to vote in respect to that property without being guilty of bribery. Just in the same way with the right of presentation to a living. If the patron desired to part with it, he should only be allowed to do so by the sale of the advowson; but so long as he held the advowson, so long was he bound to exercise the right of presentation as a public trust, nor could he morally dispose of it for a money value. The legislation he proposed was by no means new. It was but another step further in the direction in which the Legislature had often gone, to the great advantage of the Church and the country. In fact, the sale of the right of presentation was a usurped right, although it had at present the force of law. Anyone who would refer to the canons of Archbishop Richards and the Legatine Constitution of Othobon, in the reigns of Henry II. and III., would see that the sale was a usurped right. So again the Bishop has in many cases the power to refuse, and so of rendering the presentation void. So again, for instance, when a patron does not present a clergyman within a certain time the right of presentation lapses. All that shows that the trust was a public one, and to be exercised for the public benefit. So again the statute of Elizabeth prevented the sale of the presentation during the avoidance of the living. What could be stronger, again, than the statute of Anne, which, for public reasons, forbade the purchase of presentations by those who were most likely to make the purchase, when the living was not void. That Act prevented clergymen from buying livings for themselves, whether the livings were vacant or not. He therefore asked the House to consider the present state of the law, bearing in mind the difference between the sale of the right to present, and the sale of the next presentation; and also remembering what had been already done in this direction. Was the present state of the law satisfactory either to the Church or the country? At present, if the patron sold the next presentation, concealed under the form of selling the advowson, at the very moment before the vicar or incumbent died, the sale was good. In the last case in which that point was decided—namely, that of the rectory of Winslow, the rector was known by the patron to be at the very point of death. At three o'clock in the afternoon the patron found a clergyman, who knew nothing of the state of the incumbent, and he sold the living to him for the sum of £6,000. The rector died at eleven o'clock the same night. The Court of King's Bench held that the sale was one of the grossest evasions of the statute of Elizabeth, and set it aside. The House of Lords, however, on appeal, was obliged to find that the sale was good, having been effected in the lifetime of the rector; and that unsatisfactory state of the law still continued. That was, no doubt, a strong case, and one which would not very often occur; but was it not a scandal to religion, and an insult to the parishioners to see the advertisements which now appeared, week after week, in the newspapers, holding forth the great advantages of the next presentation to be sold, and stating in bold figures and large letters the age and infirmities of the present holders of the living, in order to induce persons to give a larger sum of money for it? He should like to read the observations made by one or two of the most learned Judges who ever sat upon the Bench upon this subject. Chief Justice De Grey, in delivering judgment in the case to which he referred, used these remarks—

> "An advowson was a temporal right, not indeed *jus habendi*, but *jus disponendi*. The right itself is a valuable right, and properly the object of sale, but the exercise of this right is a public trust, and therefore ought to be void of any pecuniary consideration either in the patron or in the presentee."

Chief Justice Best used still stronger language, and said that much simony was indirectly committed by the sale of the next presentation. If, he added, it were proper to prevent the giving of the next presentation, it was equally proper to prevent the sale of the immediate right to present. Having these high authorities in his favour, he asked the House to go one step further in the direction in which they had already gone, and prevent that which had been held to be a scandal to the Church. Would it be tolerated for one moment that the next presentation to livings in the hands of the Crown, the Lord Chancellor, the Universities, the Colleges, the Bishops, or the great Corporations, should be put up to sale? And if all these were excluded, some by statute and some by public opinion, why was lay patronage in the hands of individuals to be placed on a higher footing, and why was that to be allowed in one case which was not in the other? He was glad to learn that no opposition would be offered by the Government to the Motion which he now made for leave to introduce his Bill.

MR. HINDE PALMER said, he was apprehensive that the Bill which the hon. Member was seeking to introduce did not go quite far enough, because, as he understood the statement of the hon. Member, he did not propose in any way to affect the sale of advowsons. Now, everyone knew that incident to the sale of an advowson was the sale of the next presentation, and it curiously enough happened that the accident of the clergyman dying at half-past eleven at night when the sale had been effected at three in the afternoon occurred in a case where the advowson, and not the next presentation, was sold, and the observations of Chief Justice Best were made in a case of the sale of an advowson. He quite agreed with the hon. Member that it was a great disadvantage to the Established Church, and to religion generally, that next presentations should be made the subject of traffic and auctioneering advertisements. All the reasons in favour of the Bill applied with equal force against the sale of advowsons, which carried with it the right of presentation, and which might be made even when the incumbent was almost *in extremis*. He had no wish to discuss the subject at present; but on a future occasion he should wish to insert in the Bill an Amendment extending its provisions to advowsons in cases where the sale would carry with it the virtual sale of the next presentation, which was a direct and palpable evasion of the law of simony.

Motion *agreed to*.

Bill to render void the sale of the next presentation to a Benefice, *ordered* to be brought in by Mr. CROSS, Viscount SANDON, Mr. HIBBERT, and Mr. BIRLEY.

REVENUE OFFICERS.

MOTION FOR A SELECT COMMITTEE.

MR. MONK rose to call the attention of the House to the disabilities under which the Revenue Officers labour in reference to Parliamentary Elections, and to move—

> "That a Select Committee be appointed to inquire and report as to electoral restraints and disabilities affecting the Civil Servants of the Crown in the several branches of the Revenue Department, and to consider the expediency of removing them in certain cases."

In proposing that inquiry should be made into the electoral disabilities under which Civil Servants in the Post Office, the Excise, and the Customs now laboured, it would be unnecessary for him to remind the House that by an Act passed in 1868 the revenue officers were empowered to record their votes at the election of Members to serve in Parliament. It was doubtless also in the recollection of hon. Members that a Bill was introduced in the course of last Session by the hon. Baronet the Member for Buckingham (Sir Harry Verney) and himself, having for its object the repeal of certain disabling enactments contained in Acts passed in the reigns of William and Mary and of Queen Anne, which imposed restrictions and inflicted heavy penalties upon all revenue officers who should take part in an election by persuading persons to vote or dissuading them from voting for any particular candidate. In addition to a fine of £100 any revenue officer who might be convicted of having taken part in an election was thenceforth disqualified from, and rendered incapable of, ever holding any office of trust or emolument under the Crown. That Bill was opposed by Her Majesty's Government, and was thrown out on the second reading by a large majority—about two to one in a full House. He did not think that he was over-stating the case when he said that by that decision the House had expressed its deliberate opinion that the mouths of the officers of the Revenue Department ought to be closed with reference to political subjects, in the same manner that it was deemed expedient to close them 170 years ago, and that they ought to be debarred from taking any part in the promotion or move in the discussion of any subjects of interest which might happen to be before the country. He had abundant evidence to show that many of these officials who had passed a competitive examination, who had risen to the highest rank in their profession, and had grown old and gray in the service of their country, felt very keenly the stigma which the decision of that House had placed upon them by refusing to restore to them the full rights of citizenship. They argued that no body of men were more interested than they were in the stability of our institutions, and no class of electors so likely to oppose violent and revolutionary changes, while the imputation that they might be influenced by political motives, or by any other motive than a desire properly to perform their duties in collecting the public revenue was unworthy of those who made it. He had, however, no intention to revive the discussion of last year, neither did he then seek to reverse the decision which was then arrived at, although he availed himself of that occasion to say that he should lose no opportunity of doing all in his power to complete the enfranchisement of the civil officers in the Revenue Department. The object of his Motion was, first and foremost, to ask the House to appoint a Committee to investigate and ascertain which of the three branches of the Revenue Department still laboured under statutory restraints and disabilities; and, secondly, to consider whether any branch of the Service, or any class of officials so affected, might not in the present day be appropriately relieved from those disabilities. He begged to repeat the assertion which he had made last year, that one, at least, of the three branches of the Revenue Department was in reality politically free. He then stated that the disabling Act of 5 *William* and *Mary*, c. 50, s. 48, which imposed the minor penalty of £100 on any officers in the Excise who presumed to take part in an election, and which disqualified them from ever holding office under the Crown, had been repealed by the Statute Law Revision Act of 1867. The Act of 7 & 8 *Geo.* IV., c. 53, s. 9, increasing the penalty to £500, was repealed in 1868 by the Act of 32 *Vict.* c. 73, commonly known as the Revenue Officers' Disabilities Removal Act. He submitted to the House that it was a matter of grave public importance that the political status of the officers in the Revenue Department should be distinctly ascertained, and that no reasonable doubt should be allowed to remain as to whether the disabilities and penalties imposed by the Act of William and Mary, already repealed, had been revived or kept alive by any subsequent Act. He understood that it was alleged by those who advised the Inland Revenue Department that those disabilities and penalties were kept alive by the Act of 55 *Geo.* III. c. 184, but he entirely dissented from that opinion, believing that the advisers and the officials of the Inland Revenue Department had made a mistake with reference to that Act, which referred to and affected the public only, upon whom the duties were levied, not the officers who levied them. Under these circumstances, he thought he had made out a case, so far as the Inland Revenue Department was concerned, at all events, for further inquiry. He came next to the Department of the Post Office, and here he at once acknowledged that he entertained no doubt whatever as to the political status of its officials, inasmuch as he had discovered no Act which repealed the penalties under which they laboured. He had, however, the less reason to regret that circumstance, because in the debate which took place last year on the Revenue Officers Bill the right hon. Gentleman at the head of the Government, in reply to a Question from the right hon. and learned Member for Southampton (Mr. Russell Gurney) who was pleading the cause of the Post Office Department, said if that right hon. and learned Gentleman would move for a Committee to institute a careful inquiry, with the view of seeing whether there were any persons labouring under disabilities to whom they should not be applied, he did not know that he should resist such an investigation. So far, therefore, as the Post Office was concerned, he believed the Government would scarcely wish to oppose his Motion. He would ask the House to bear in mind that no argument was brought forward last year to show that the public service could suffer from a relaxation of the restraints upon the officers in the Post Office, and he would remind his right hon. Friend the First Minister that in the Report presented to Parliament from the heads of the Revenue Departments in 1868 there was no report against the enfranchisement of that branch of the Civil Service. As regards the Customs, perhaps, the House would be somewhat surprised to hear that he was prepared to lay before the Committee, if appointed, evidence which he believed to be of a conclusive character that the officers in the Customs were absolutely free, politically speaking, because all the disabling Acts affecting them had been repealed, either by the Customs Consolidation Acts of George IV. and William IV., or by the Revenue Officers' Disabilities Act of 1868. He believed he had made out a case to justify inquiry into the political status of each of the three branches of the Civil Service. As regards two of them, very considerable doubt remained as to their political status. With regard to the third no argument was advanced last year to show why they should not be completely enfranchised. He made no appeal *ad misericordiam* to the House on behalf of the Civil Servants whose cause he had taken up; but he did appeal to the Government not to refuse a Committee to inquire, with a view of setting at rest all doubts on a subject not only of deep interest to the revenue officers themselves, but of much importance to the public service. The hon. Member concluded by moving his Resolution.

MR. GRAVES said, the request made by his hon. Friend was so reasonable that he could not but anticipate the Government would accede to it. Considerable interest was felt on the question in Liverpool, and the revenue officers at that port were very grateful for the franchise that was conferred on them last year, but they felt that so long as restraint and disabilities were imposed upon the expression of their political opinions, they were in an unfair position with regard to the rest of the community. No doubt there were reasons for imposing these restrictions when they were first adopted, but he could not help thinking that it was undesirable they should any longer exist. Besides, the statement of the hon. Member for Gloucester (Mr. Monk), that it was questionable whether some branches of the Civil Service were really disqualified from canvassing, made action in the matter really urgent. He had no wish to make the officers of the Crown public agitators, and that might be prevented by departmental regulations instead of by statutory enactment. He should have thought that the decision of the House on a former occasion would have been sufficient for dealing with this question. It seemed to him so simple a one that there was no occasion to refer it to a Select Committee; but as the hon. Member for Gloucester, who had taken so great an interest in the subject, thought it was the best mode of dealing with it he had great pleasure in seconding the Resolution.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire and report as to electoral restraints and disabilities affecting the Civil Servants of the Crown in the several branches of the Revenue Department, and to consider the expediency of removing them in certain cases."—(*Mr. Monk.*)

MR. GLADSTONE: I cannot but help expressing my regret that the zeal and fervour of my hon. Friend (Mr. Monk) in the cause that he has taken up is so great that he cannot endure, after the debate and decision of last year upon this subject, to allow it to sleep for a year. I think, when the House has come to a decision on a matter of no very great concern, after a full discussion, and has come to a very decisive expression of opinion upon it, I would almost say that common humanity on the part of the promoters of this cause ought to induce them to give the House a short lease of tranquillity before we are again almost driven by tenacious and repeated attacks into the resumption of a question under the hope that ultimately, through sheer weariness, like the unjust judge in the parable—not because he considered it just—but by continued application so wearying us that we shall accede to the Resolution. The two hon. Members who have spoken have not covered the Motion with any disguise; but when I come to look to the terms of the Motion, one might think there was something like tactic about it, and I am going to acquit the hon. Mover of that, because if there is any reservation in the terms of the Motion there is none in the remarks of the Mover and Seconder. There are but three great branches of the public service that are affected by these restraints, and my hon. Friend the Member for Gloucester first shows why they should not apply to the first, then to the second, and then to the third, and that in the certain cases in which he wishes to remove restraints are the whole of the cases embraced by the present disabilities. The Seconder of the Motion was rather more ingenuous. He expressed his regret that a Motion for a Committee had been resorted to instead of grappling with the question by a distinct proposal; but out of deference to the Mover of the Resolution he thought it was not safe to abandon his company and association, and support what he regards as an unsatisfactory proposal. This is, in reality, a Motion to reverse the vote of last year. No ground has been laid for a partial inquiry. It is true that when last year the question was under discussion, I understood the right hon. and learned Gentleman the Member for Southampton (Mr. Russell Gurney) to state that there were certain cases which he thought were invested with a special character, and said if he thought inquiry was necessary into them let it be made. But it was not prudent to do so on the present occasion, nor does he conceal the question whether the whole of these disabilities should be removed. I must say I dislike to revert to questions which were thoroughly sifted last year. The principle applied in these disqualifying provisions is not peculiar; it is applied in many ways, and in no way more rigorously than within the walls of this House. We do not allow a Government contractor to take a seat here; and why? Not that contractors are impure, but because we think the combination of influence they exercise on persons employed for the public service in matters of money with their duties as Members of Parliament, deciding on matters of expenditure, is not calculated as a general rule to secure perfect integrity and freedom from suspicion, and reasons of sound policy make it right to place them under a certain amount of disability. I might refer to other cases, but when I appeal to the case of a body elected in this House—every man who sits in it being dependent on the scrutiny and deliberate choice of a large number of his fellow-countrymen—it is obvious that I establish the strongest possible case, more particularly because those persons after being elected are compelled to do everything in the light of day, but revenue officers are of necessity entrusted with matters to which the check of publicity cannot be applied. The revenue officers have necessarily to discharge their duties in secret, but they conduct them with the utmost privity and with as absolute freedom as anyone can possess from the remotest approach to guilt. Yet if they are placed in situations of political association with those whom it is their business to control, and check, and arrest in matters of great pecuniary importance relating to the public, it is quite evident you compromise their independence and reputation before the public by deliberately placing them in a false position. I think if the hon. Member for Gloucester had interfered in one of those neutral and colourless Sessions, when the House appears to have nothing to do, when the House is thankful to any Gentleman who finds them a topic of interest to discuss, then there might have been something to say in favour of his bringing forward this question. But really, when we consider what is the amount of work cut out, and we are cutting out, in the Session now opening, I do make an appeal *ad misericordiam* to him, and beseech and entreat him to give a little compassionate consideration to our overburdened shoulders and our failing knees, and give us time to rally from these repeated assaults, and enable us to bring to a conclusion other and more important business; and after which the hon. Gentleman would be all the better, as it would bring him longer rest and repose, for which all, in fact, would be the better. I hope, however, whenever he comes back to the question, the soundness of the arguments against it will be sufficient to repel it. It will be better for us all to allow a short and decent interval to elapse before we occupy ourselves with questions which have been thoroughly sifted and decorously disposed of, as this was in the last Session of Parliament.

Mr. RUSSELL GURNEY said, the right hon. Gentleman at the head of the Government had brought the Motion on himself by the remarks he made last year. If the hon. Member for Gloucester (Mr. Monk) had proposed the same measure which he brought forward last Session for the removal of these disabilities, he should himself have been disposed to tell the hon. Member, as the right hon. Gentleman at the head of Her Majesty's Government had just done, that such an application was premature after the decision arrived at last Session. A decisive division was then taken, and it would not be respectful to the House to renew the same question now. In point of fact, however, the present Motion was very different from that made last year, and after the remarks which fell on that occasion from the lips of the right hon. Gentleman it was quite natural that the present Motion should be brought forward. The House was then distinctly told that if a Motion for inquiry were made the right hon. Gentleman would probably not raise any objection to it.

MR. GLADSTONE: I said an inquiry with regard to certain special cases.

MR. RUSSELL GURNEY said, it was not limited in that way. It was to be a Motion for a Committee to inquire whether there were certain special cases. His hon. Friend no doubt thought that in almost every instance the officers should be relieved from these disabilities; but his Motion was merely for a Committee to ascertain whether there were any special classes which ought to be relieved from them. With that view he should support the Motion, which was so reasonable that he thought even the "claims of humanity" would not be sufficient to prevent the House from acceding to it.

SIR GEORGE JENKINSON said, he regretted that the right hon. Gentleman should have likened himself to the unjust judge, because he was sure no one else would have ventured to do so, even although the likeness were true. He was also glad the right hon. Gentleman had not been able to advance a single argument against the case that had been made out for inquiry, but that he had merely called for "rest." He would, however, remind the right hon. Gentleman, that the same authority which told them about the unjust judge also said that "there was no rest for the wicked." If a large number of Her Majesty's subjects had a grievance the House ought to grant an inquiry in order that all the parties concerned might have an opportunity of showing the goodness or badness of the cause they advocated. He should support the Resolution.

MR. CRAUFURD said, the right hon. Gentleman had made a very good speech against the Bill introduced two years ago by the hon. Member for Gloucester (Mr. Monk); and, indeed, if his memory did not deceive him, it was almost the very same speech which the right hon. Gentleman delivered on one of the stages of the Bill of 1868. But the House did not then think proper to endorse the right hon. Gentleman's opinions on the subject, which he failed to support by his vote, and the Bill became part of the law of the land. What was now wanted was an inquiry into the present state of the law. At present people were in a state of confusion, and did not know what were the rights, privileges, and disabilities of these officers. But his right hon. Friend the Prime Minister had not addressed a single remark to the subject of the desired inquiry. Great confusion now existed as to the state of the law in reference to these officers. Any officer who held his appointment direct from the Crown was directed by the head of his Department not to interfere in any election beyond merely recording his vote. If a collector of taxes or distributor of stamps—in Scotland, at all events—otherwise interfered in an election he would be breaking the law if the instructions of his superior were well founded. But if any clerk in the officer's service chose to interfere and canvass to any extent as a paid agent nobody could touch him, because he did not receive his salary direct from the Crown. Ought such a state of things to be allowed to continue? All cause for quibbling ought to be got rid of, and a uniform rule applied to all the service. At present the small men might exercise influence, while the great men were not allowed to do so, although they were more independent, more respectable, and less likely to use their influence improperly than their subordinates. The hon. Member for Gloucester did not ask the House to prejudge the question, but simply desired an inquiry which he hoped the Government would not persist in refusing, especially as it would not in the least interfere with the important measures to be discussed during the present Session. The Committee would collect evidence, and if it showed that legislation was necessary to remedy the existing defects and remove the existing doubts, it would, in his judgment, have performed a very useful work.

MR. MONK remarked that his right hon. Friend the Prime Minister had passed over in silence the chief part of his argument. He would merely point out that his right hon. Friend had confined his remarks to the second part of his Motion only which asked for an inquiry as to whether these disabilities should be removed in certain cases. He should not have placed that portion of the Motion on the Paper had it not been for the remarks made by the right hon. Gentleman on the subject last Session. All the Motion asked the House to assent to was that an inquiry should be instituted as to the political status of the officers in the Customs and Excise. He thought the result of the rejection of his Motion would be that the officers in the Customs would avail themselves of the information that they were politically free, as were also, he believed, the officers in the Excise. Whether such was the case or not might be determined either in a court of law, or by the Committee he was asking the House to appoint. He would again express a hope that the House would not refuse to grant a Committee to ascertain the political status of the three branches of the Revenue Department, although if the House wished it he would not press his Motion to a division.

Motion, by leave, *withdrawn.*

SUBURBAN COMMONS BILL.

LEAVE. FIRST READING.

Mr. COWPER-TEMPLE, in moving for leave to bring in a Bill to provide for the improvement, protection, and management of Commons and Waste Lands near Cities and Towns in England, said, the object of the measure was to secure to the inhabitants of towns a fuller enjoyment than they at present possessed of the commons and open spaces near those towns, and to give increased efficiency to a clause in the General Enclosure Act of 1845, and the preceding Act of 1835. The General Enclosure Act had for its object the promotion of agriculture, and the production of a larger quantity of food in the country, by enabling the lords of the manor and the commoners to divide the commons to which they had joint claims. This purpose of promoting agriculture was felt by the framers of the Act of 1845 to be one which would probably not be attained in regard to commons in the immediate vicinity of towns, because the land was so valuable that it would not be used for ordinary tillage. A provision was consequently made that the enclosure of commons within a certain radius of towns varying with the population should be specially brought under the notice of Parliament, a distinction being thus made between them and other commons. This distinction was, however, obliterated by an Act passed in 1853, which brought all enclosures under the supervision of Parliament. His object was to withdraw all commons within a definite radius of large towns from the operation of the Enclosure Act of 1845, and in doing so he did not propose to take away any of the rights which any lords of manors or commoners might possess at present, but withdraw from them the facilities obtainable through the Enclosure Commissioners of converting joint property into private property. The Enclosure Commissioners would have to devise a Board of Management to improve the surface of the commons, and carry into effect by-laws and regulations for preventing nuisances, depredations, and disorder, and to give the police jurisdiction over those commons. It might be objected that this measure was too small, considered in relation to so extensive a subject. His reply to that was, it would doubtless be very desirable, if it could be carried out, for the Legislature to provide for every town adequate pleasure grounds and places of recreation for the people. No one could fail to perceive that they were calculated to have a most beneficial effect on the health, the morals, and the happiness of the people, and that they indirectly operated to do away with the temptation to visit the public-house. The House, therefore, would, he felt sure, not object to the introduction of a measure the object of which was to place such grounds upon a more satisfactory footing.

Motion *agreed to.*

Bill to provide for the improvement, protection, and management of Commons and Waste Lands near cities and towns in England, *ordered* to be brought in by Mr. Cowper-Temple and Mr. Buxton.

Bill *presented,* and read the first time. [Bill 41.]

CHELSEA BRIDGE.—RESOLUTION.

Mr. PEEK rose to call the attention of the House to the toll charged on Chelsea Bridge, and to move—

> "That, in the opinion of this House, the Government Bridge at Chelsea should henceforth be freed from toll."

The hon. Gentleman said the subject was of great importance, and excited considerable interest among the inhabibitants in Battersea Parish and neighbourhood. An Act of Parliament was passed in 1846 to form a Park in Battersea Fields, and another to build a suspension bridge, with approaches; it being stated in the Preambles of both Acts that the object was to endeavour to provide the most effectual means of improving the metropolis and increasing the facilities of communication. An Act had also been passed in 1858 to abolish the foot-passengers' toll on Chelsea Bridge after the payment of a sum of £80,000 with interest, and in 1865 a Bill had been brought in by Sir John Shelley, Mr. Locke King, and Mr. Locke, which was referred to a Select Committee, to abolish the tolls taken from foot passengers passing over the bridge. That Committee had sat in the months of May and June in that year, and had collected a very valuable amount of information, but it had, unfortunately, made no Report, being unable to arrive at any definite conclusion, and ended its labours by merely recommending that it should be re-appointed in the ensuing Session. It had, however, never been re-appointed, and the matter dropped. Since then Papers had been moved for by the hon. Member for Westminster (Mr. W. H. Smith) on the subject, a Petition, signed by 388 tradesman and 2,010 mechanics, had been presented last year with respect to it, and a large deputation had waited on the late First Commissioner of Works, calling his attention to the matter. As regarded the financial position of the bridge, he had to state that it had been open eleven years, and that in those eleven years the net annual revenue derived from the tolls was £1,575, the cost of collection and maintenance being deducted. The gross amount of the tolls for the eleven years was £51,069, and the debt, including principal and interest, was £97,500, so that the Act of Parliament passed in 1858 in reference to its liquidation remained, and must always remain, a dead letter; for the revenue, which had been decreasing for three years past, would be thirty-eight years paying off the single principal, or—the principal being left a continual burden—interest at 2½ per cent would swallow it all up. It would, therefore, be seen at once that the receipts from the tolls would never pay principal and interest taken together. The bridge, as he had already stated, had been opened eleven years, and at the end of the first five years, according to the latest information obtainable, 957,000, or nearly 1,000,000 foot passengers had passed over it at a halfpenny per head, and 198,000 horses and vehicles, averaging 2*d.* each, yielding together for the year ending March, 1864, £3,681. Five years later, the revenue of last year—£5,700—being taken as a guide, the bridge would have been used by about half as many more; but from the inquiries he had made he had found that the increase was in the number of carriages and horses, and that the number of foot passengers had undergone little or no increase, proving that the action of the toll was very detrimental so far as they were concerned, for Chelsea and Battersea were both much more thickly populated now than five or six years ago. Again, it was worthy of remark that, although both parishes had largely increased in population, and Battersea Park had become more attractive than ever, the gross tolls of the bridge for last year were £300, or 6 per cent, less than either in 1867 or 1868. The grievance arising from the exaction of the toll was, he might add, felt by three classes of the people. The first class comprised owners of property. At present there were no fewer than 3,000 houses to let in the parish of Battersea, and its immediate neighbourhood. Although the bridge, as regarded the object for which it was opened, was a complete failure, the ratepayers had to provide for maintaining and lighting the roads, providing police, &c. The grievance was most felt by the artizan class, on whom the toll pressed heavily. A halfpenny might seem a small sum to Members of that House, but it became a serious matter to the poor man when he had to pay at the rate of 2 per cent on his wages for passing over this bridge, to say nothing of wives and children. Besides, the matter was one in which the general public were very much interested, for it was clear that the principal object for which the bridge had been built had been in a large degree frustrated. All the suburbs of Battersea Park were in striking contrast to its beauty, and the Government were acting in the present instance in direct opposition to the spirit of the age, which was to set all thoroughfares entirely free—now, the bridge was a convenience only to the rich, the poor in the neighbourhood were, to a large extent, deprived of the various benefits which the Park, as a public recreation ground, was intended to confer, to say nothing of being better housed, which they undoubtedly would be if they could avail themselves of the accommodation afforded by the 3,000 houses now lying empty on the Surrey side of the River. But was there no way in which the difficulty could be met? Was it impossible to recoup any part of the £97,500 standing to debit when the accounts were made up last year? The way was quite simple. The Returns, which had been moved for last year by the hon. Member for Westminster, showed that about sixty acres of land surrounding the park remained for sale in the parish of Battersea. That land was, probably, not so valuable now as it was a few years ago, before the comparatively wretched outskirts came into existence; still, as the land which had been already sold had produced, on an average, £2,400 per acre, the remaining sixty acres would, if sold even at two-thirds of that price, realize nearly sufficient to wipe away the whole outstanding debt and interest. He hoped he had made out a case, showing that the abolition of the tolls would be of immense benefit to the inhabitants on both sides of the water, and especially to the poor people, who would avail themselves largely of the privilege of passing over the bridge as soon as the tolls now upon it were removed. The Chancellor of the Exchequer would, he thought, by looking a bad debt boldly in the face, be only taking a common-sense view of the question, and he begged, therefore, in conclusion to move his Resolution.

Motion made, and Question proposed,

"That, in the opinion of this House, the Government Bridge at Chelsea should henceforth be freed from toll."—(*Mr. Peek.*)

Mr. W. H. SMITH said, the case of this bridge was exceedingly peculiar; it had been erected by Government, was maintained by Government, and a toll was exacted by Government. Whatever inconvenience there might be in the creation of works of this kind by Government, there could be no doubt that this inconvenience was increased when, simply with a view to obtaining revenue, a toll was exacted for passing to and fro between great thoroughfares, and the inconvenience became almost a great public anomaly when the Government itself maintained a park at a larger cost than the benefit derived from the toll, and practically imposed a charge on the entrance of people into the park. Would it be tolerated if a toll were charged for entrance into Hyde Park? He maintained there was very little difference between maintaining a toll for entrance into a park and for passing over a bridge into the park itself. But there was another ground upon which this toll ought to be remitted. In the district of Pimlico and Chelsea there was a great want of houses for working men, and it was impossible to build houses which working men could afford to occupy. But at Battersea there was land which at present was wholly unproductive, but might be very advantageously used in affording house accommodation. Upon these grounds he gave his cordial support to the Resolution of his hon. Friend.

Sir PATRICK O'BRIEN said, that in 1857 the question of the propriety of remitting the tolls on Chelsea Bridge was submitted to a Select Committee, of which he was a member, and the Committee reported that funds had been advanced by the Government for building the bridge on the faith that tolls would be charged. Under these circumstances, and finding that the money could not be otherwise recouped, the Committee expressed an opinion unfavourable to the remission of the tolls. This question of the bridge was not to be taken alone, but in connection with Battersea Park, upon which the Government had expended upwards of £400,000. At the time the park was made it was said that it would not be a burden on the public, but that the value of the adjacent land would be so much enhanced as to repay the cost both of the bridge and the park. It might appear invidious for any individual Member of the House to oppose what might be of advantage to the people, but there was a larger question under which this one was comprehended, the question whether purely metropolitan improvements were to be paid for by other persons than the taxpayers of the metropolis, and upon that question, and upon that alone, this Motion had been opposed for years in that House, and successfully. He thoroughly agreed with all that had been said as to the impropriety of tolls being placed on bridges, but the present claim he viewed not in regard to the general question, but as to whether faith was to be kept with the country. He would, therefore, oppose the hon. Gentleman's Motion.

Mr. BRODRICK said, though this bridge had not in a financial point of view been a success, he would remind the House that it stood in a very different position from other bridges upon which tolls were now exacted. These bridges belonged to private companies, and were generally subject to large mortgage debts, but the Chelsea Bridge was in the hands of the Government, who had power to throw it open or to keep it closed, as they thought proper. He was prepared to contend that there was a reasonable prospect of considerable advantage accruing to the Government from their throwing the bridge open to the public free of toll. He found, from the Return obtained less than twelve months ago by the hon. Member for Westminster (Mr. W. H. Smith), that there were fifty-six acres of land which were totally unproductive on account of the exaction of the tolls deterring the people from living on the Battersea side of the river. Now, if that land were sold for about the same price as had been realized for sixty-five acres, the residue of the original purchase, it would actually pay off the whole debt and leave some money over and above. But that was not all. The land would be enormously increased in value by the fact that the bridge was thrown open. He had heard various estimates made on that point, none of which placed the increased value at less than from 20 to 25 per cent. By throwing open the bridge they were literally improving the property of the Government, and giving better security for the debt which still remained upon it. Turning from the financial to the social and moral aspect of the question, how did the case stand? There was a large and dense population on both sides of the river, and employers on the one side and employed on the other had at present no access for four miles along the river frontage without paying toll. Westminster Bridge, which was two miles distant, was the nearest by which workmen living on the opposite side of the river could reach their daily place of labour without being subject to a daily impost, and hon. Gentlemen could scarcely be aware how serious a question that was now becoming. It had been his lot for sixteen years to reside in a parish on the Middlesex side, and from that parish, out of a population of 10,000, no fewer than 2,000 of the poorer classes had been removed in consequence of improvements affected within the last three years. Some provision in the shape of model lodging-houses had been made for these poor people by a noble Lord who had been recently removed from that House to "another place;" but more than half of them had been driven across the river because it was impossible for working men to find suitable house accommodation at this side. What was going on in his parish was also going on in surrounding parishes. He had had the honour that day of attending with a deputation on the right hon. Gentleman the First Commissioner of Works, and on that deputation there was a clergyman who had in his parish a still larger number than that he himself had named, who were in a similar position, living, however, still closer to Battersea Bridge, and there the demand for houses and house-rent was increasing daily. Numbers were crowded in houses, while numbers more were driven across the river into the parish of Battersea. Nor was this all. There was a population about Chelsea Bridge on the Middlesex side who were without any place of recreation, any place where they could take the air, without crossing the bridge. They were a mile and a half or two miles from the Royal Parks. Battersea Park was formed for the express purpose of their recreation and enjoyment, and they were simply cut off from it by the fact that a toll was still exacted for crossing the bridge. The Resolution of his hon. Colleague was one which should recommend itself to the good sense and good feeling of the House; it had, if he mistook not, been passed once before and he trusted the House now would follow so good an example.

MR. ANDERSON said, that his constituents very much grudged the immense outlay of public money upon London, and he believed the country generally shared that feeling. If the people of London wanted to have a bridge thrown open, let them pay for it. At Glasgow they had pontages on bridges, and some of those pontages had been removed, not out of the general taxation of the country, but at the cost of the locality. He should, if required, support, the hon. Baronet the Member for King's County (Sir Patrick O'Brien.)

MR. CUBITT said, there was a considerable portion of Government land near the bridge, and if they abolished the tolls they would materially improve the value of that land, and thereby recoup the public accounts. Moreover, by doing away with the tolls, they could give much increased comfort and enjoyment to the London poor. These considerations combined would induce him to support the Resolution. When the noble Lord (Lord John Manners) was First Commissioner of Works a similar Motion to the present was made, and it was met by throwing open the bridge on Christmas Day, Easter, and Whit-Monday, and on Sundays—a boon much appreciated by the working classes. As the Saturday half-holiday had now become very general throughout London establishments, he would suggest that the Government might at least go a step further, and throw the bridge open every Saturday afternoon at two o'clock.

Mr. AYRTON said, he was not at all surprised that hon. Members representing Westminster and that division of Surrey, comprising the part of the metropolis in which that bridge was situated, should join in pressing that Resolution upon the House. That Resolution was, in fact, a political inheritance which they derived from their predecessors in those seats, who had always been desirous that the House should make to that portion of the metropolis a present of the tolls now levied by law on the bridge referred to in the Motion. He entirely sympathized with those hon. Gentlemen as to the advantage of free communication between both sides of the Thames, and especially of free access to a park so delightful as that at Battersea. But the question now to be considered was whether the national Exchequer was to make a gift to a particular portion of the metropolis, and whether it was to take over to itself the obligation solemnly undertaken on the faith of those tolls from the particular fund now charged with that obligation. The hon. Gentleman opposite (Mr. Peek) had not very clearly explained the nature of that transaction, but had rather confounded two or three things that ought to be kept perfectly distinct. About twenty years or more ago a general project was submitted to the House that land should be bought and laid out as a park, a bridge built across the Thames leading to that park, and approaches made on the north side, including the embankment of a part of the river near the bridge—a large undertaking, involving a great outlay. Parliament, regarding the project favourably, voted considerable sums from the national revenue to aid in carrying it out. It limited its assistance to a certain amount, and then enacted that the rest of the cost should be raised by loans, to be obtained by the Commissioners appointed to execute the Act from the authority intrusted with the duty of making loans for public works. Under that Act a sum of £80,000 was borrowed for the construction of the bridge and the approaches; and the tolls to be levied on the bridge would be mortgaged to the Public Works Loan Commissioners, as a security for the repayment of the £80,000, with 4 per cent interest. Under that arrangement, the sum of no less that £165,000 having been voluntarily contributed by the Votes of Parliament, the bridge and the approaches on that side were completed. No sooner, however, was the bridge opened for traffic than hon. Members, interested in the metropolis, commenced an agitation in that House; not, indeed, to abolish the tolls entirely — because that was looked upon then as rather an extravagant demand—but to remit the portion raised from foot passengers, under the notion that the tolls derived from horses and carriages would be sufficient. That proposal was supported by all the arguments urged that night in favour of the present Resolution; but the House referred it to a Select Committee, which, after inquiry, came to the conclusion that it was not expedient to remit the tolls pledged to repay the debt, and that it would be a violation of good faith to recommend that course. Moreover, the Committee reported that they did not concur in the reasoning put forward several times that evening, that the land connected with Battersea Park would be so greatly improved by the remission of the tolls that little or no loss would result from it to the public Exchequer, and, further, that they did not understand why the Government should be owners of the bridge over the Thames, and thought the trustees, represented by himself, ought to get rid of it as soon as practicable. That proposal dropped, but the agitation continued, and another Bill was introduced for the purpose of relieving the public from the tolls after a less sum had been repaid than was stipulated for in the original Act. The House was strongly opposed to any such proceeding, and finally the Act was passed in the very modified form of making the bridge free for foot passengers on Sundays, it being thought that the whole of the tolls for the rest of the week, with those derived from horses and vehicles on Sundays, would be sufficient to meet the obligation that had been incurred. Another concession was made, because the reversion of the tolls, after paying the debt, was pledged to the Government as a fund to recoup the money advanced for public improvements in the metropolis; but the Act of 1858 relieved the tolls of that obligation, and declared that as soon as the debt of £80,000 and the interest were paid, the toll on foot passengers should cease. Still, the former Member for Westminster again agitated the question, but, enlightened by what had previously occurred, he no longer asked for a present of £80,000 of the public money for the inhabitants of Westminster and Battersea, but made the more rational proposal that the Metropolitan Board should be empowered to purchase that and the other bridges over the Thames on which tolls were levied, in order that by raising an additional tax on coal, it might be enabled to make free all the bridges within their area. That was a comprehensive scheme. It was referred to a Select Committee, which, however, did not find it easy to adopt; but, after sitting throughout the Session, reported that they had not been able to arrive at any conclusion. From that day to this the subject had been entirely dropped. The deliberate and consistent opinion of the House, then, during the last ten years having been, that it was expedient that public faith should be maintained when money was advanced by the Public Works Loan Commissioners on the security of the fruits of an improvement, it would now be in the highest degree impolitic to sanction a proposal that the fund pledged as a security in this case should be altogether wiped out by a Resolution of that House, or even by an Act of Parliament. It was, therefore, his duty to ask the House to adhere to its previous decision; for nothing could be more injurious to the general cause of improvement than to hold out the expectation that after money had been obtained from the Exchequer on the security of the fruits of improvements any hon. Member might, by indirect means, get a loan converted into a gift. It would not be competent, by the rules of the House, for the hon. Member to ask for a direct grant of money for the benefit of his constituents. Yet that was really what he was aiming at by an indirect process; and that, too, after the great amount of assistance already given to the inhabitants of that part of the metropolis by means of large Votes in Supply. He had no desire to continue master of Chelsea Bridge, Battersea Park, or the Embankment. He had not the least desire to interfere with them. They formed no legitimate part of his duty. Personally, he felt that he ought to get rid of this bridge as soon as possible; but how was he to do it? They had established a local Board in the metropolis, with power to tax the inhabitants, for the purpose of supplying all their wants, requirements, and enjoyments, so far as they could be supplied by law; and the Metropolitan Board, therefore, was the proper representative of the ratepayers for the purpose of embarking in questions of this character. They were invested by law with the power of providing bridges, parks, and places of recreation; and if it were desired that there should be free communication between the Wandsworth and Westminster districts, the duty fell on them to provide the means. When they were prepared to make any proposal to the Government by which they might take over this bridge the Government would be prepared to meet them.

MR. PEEK said, he had shown that the revenue of the bridge was declining. It brought in no more than £1,600 per annum, while there was £97,500 to be paid off. The bridge, therefore, never could be free; and he only asked the Government to give up what really came to very little after all. He must press the question to a division, as there were a great many on both sides of the river who felt very strongly upon the subject.

Question put,

The House *divided*:—Ayes 21; Noes 162: Majority 141.

MARRIED WOMEN'S ACKNOWLEDGMENTS BILL.

On Motion of Mr. Dodds, Bill to facilitate the execution and acknowledgment of deeds by Married Women, *ordered* to be brought in by Mr. Dodds and Mr. Goldney.

Bill *presented*, and read the first time. [Bill 43.]

CORONERS BILL.

On Motion of Mr. Goldney, Bill to amend the Law relating to the Election and Office of Coroners, *ordered* to be brought in by Mr. Goldney, Mr. Walter, Mr. Thomas Chambers and Mr. Pease.

Bill *presented*, and read the first time. [Bill 42.]

ADULTERATION OF FOOD OR DRINK ACT (1860) AMENDMENT BILL.

On Motion of Mr. Muntz, Bill to amend "The Adulteration of Food or Drink Act (1860)," and to extend its provisions to Drugs, *ordered* to be brought in by Mr. Muntz, Mr. Goldney, and Mr. Dixon.

Bill *presented*, and read the first time. [Bill 44.]

PUBLIC PROSECUTORS BILL.

On Motion of Mr. Eykyn, Bill to provide for the appointment of Public Prosecutors, and for the more effectual prosecution of indictable offences, *ordered* to be brought in by Mr. Eykyn, Mr. Vernon Harcourt, Mr. Rathbone, and Viscount Sandon.

Bill *presented*, and read the first time. [Bill 45.]

House adjourned at a quarter after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, 23*rd February*, 1870.

MINUTES.] — Public Bills — *Ordered—First Reading*—Education of the Blind, &c.* [47].
First Reading—Benefices* [46].
Second Reading — Life Assurance Companies [2]; Attorneys' and Solicitors' Remuneration [6].

LIFE ASSURANCE COMPANIES BILL.

(*Mr. Stephen Cave, Sir Thomas Bazley, Mr. Russell Gurney.*)

[BILL 2.] SECOND READING.

Mr. STEPHEN CAVE: Sir, in asking the House to read this Bill a second time, it will not be necessary for me to trespass very long on the time and patience of hon. Members while I endeavour to explain the principle of the Bill, as well as the necessity for such a measure at the present time. As my object is to avoid even the appearance of drawing invidious comparisons between rival companies, I shall throughout abstain, if possible, from mentioning the names of existing offices, unless any of my statements should be called in question, in which case I shall of course be prepared to substantiate them; and with regard to impartiality, I may say that I have never had an interest either as shareholder or policyholder in any office, and that until I looked into the question officially the year before last I was almost entirely ignorant of their relative positions. Offices for the insurance, or more properly for the assurance of life—technically one assures life, and insures against fire, hail, or wreck—are constituted, as the House knows, for payment to the assured at some future time, or to his representatives after his death, of a sum of money in consideration of annual or other periodical payments. Such, I need hardly say, is the mode in which a professional man or any man with income, but no capital, makes a settlement on marriage. It is, in fact, in most cases, the only way in which he can marry prudently, and I wish the practice was more general than it is among the class of well-paid artizans. The other most ordinary operation of assurance offices is the converse of this. They engage to pay an annuity, generally during the lifetime of a purchaser, or of some one in whom he is interested, either at once or to commence at some future time in return for a sum of money paid down. There is also guarantee and other business, to which I need not now more particularly refer. Now, though life is proverbially uncertain, yet the average duration of the lives of a number of people may be calculated very closely. Just as in marine insurance, though no one can say that such or such a ship will return in safety from a voyage, yet it may be assumed that out of any hundred ships nearly all will so return. Well, then, the tables estimate the chances of life, or rather of lives, and, consequently, the liabilities of life assurance almost to a certainty, and the scales of charges of the various offices include margin, or "loading" as it is called, sufficient for ordinary expenses and reasonable profits. This margin varies considerably — some offices are said to charge less than is safe, while others charge so much for expenses and profits that it has been suggested that there should be a model table put forth under the authority of Government. I think myself, however, that such matters are best left to competition. In America, indeed, competition has brought out the characteristic ingenuity of the people in this as in other cases. One office in the United States charges less to those of its customers who are disciples of homœopathy. Another inquires not only into the health of the applicant, but into the ages of his progenitors, charging less premium to a person coming of a long-lived race. In this country certain offices charge higher premiums for the earlier years, diminishing them proportionally afterwards. This brings about what is called self-selection — that is, none but the best lives insure in such an office, and the mortality is remarkably low. Perhaps the House is not aware, in reference to this branch of the subject, that it has been proved by statistics that the longest-lived classes are Peers, clergymen, and members of the Society of Friends. However this may be, it is clear that the balance of the premium beyond the amount set apart for expenses and bonus and profit to shareholders in proprietary companies, should be sufficient, with accumulations, to pay the policies to the assured, and that this should be considered sacred. It has been indeed suggested, that tampering with it should be a misdemeanour punishable by fine and imprisonment. Certainly the accounts should enable the public to judge whether or not it has been so tampered with. There are few kinds of business ordinarily more free from risk than life assurance when prudently conducted, and I believe I am not going too far in saying that even extraordinary mortality never ruined an office. The Indian mutiny, one of the severest trials in our day, though it inflicted heavy losses, did not cause the insolvency of any company. We should expect, therefore, great confidence in the stability of assurance companies warranted by their long duration. This is doubtless the case with regard to many —indeed, to the majority, to which the motto of one of them—*Amicus certus in re incerta*, may well apply. But what are the facts in reference to others? We learn from *Black's Chart* and *White's Insurance Register* that before the year 1824, when offices were under charters and Acts of Parliament, thirty-nine were founded and only one ceased to exist; that from 1824 to 1843 inclusive, under deeds of settlement, 105 were established and thirty-eight ceased. From 1844 to 1868, under the registration system, 219 were founded and 170 ceased to exist. That is, of 366 offices founded only 113 are existing, being only six more than were in existence in the year 1844. Some of these did fire and marine business, but I believe 285 purely life offices were founded, of which 174 have ceased, leaving 111. It is rather curious to connect this rise and fall of offices with the influence of public opinion. For three years, from 1853 to 1855 inclusive, sixty-two were founded and thirty ceased. In 1856 public attention was roused by a Return to this House of balance-sheets under the Act of 1844, which displayed in thirty cases out of fifty-four, as analyzed by Christie, an expenditure in excess of premiums and interest received, and in six an expenditure, not only in excess of premiums and interest, but also of paid-up capital, without the smallest accumulation to meet ever-growing liabilities. The number founded was seven in that year, while the number of those which ceased was twenty. During the next five years, from 1857 to 1861 inclusive, three attempts at legislation were made, and fourteen offices only were founded, and no less than seventy-four ceased. But in 1863, possibly in consequence of facilities given by the Companies' Act of 1862, the numbers began to show the other way. Offices have since been multiplied, and yet there seems to be very little increase of stability; for we are told that at the present time no less than fifty-nine life companies are being wound up in Chancery, and that many of these had during their term of existence, like Aaron's rod, swallowed up several others, so that the number is in reality larger than it appears. The history of transfers is very curious. Transfer and amalgamation, I may explain, are modes resorted to by offices too weak to stand alone, and are perfectly legitimate proceedings if properly conducted, because they strengthen the position of offices by economy of management and by enlarging the area of risk. But in regard to these transfers a vicious practice has, we are told, grown up of making enormous and frequently secret payments by way of commission for negotiation, which has become so lucrative a trade that offices are said to have been established for the express purpose of being sold, pegs in fact on which to hang these profitable transactions — a proceeding, according to my way of thinking, analogous to sending a ship to sea to be scuttled or run aground to defraud the underwriters. I do not, indeed, see much difference between individuals making it a business to negotiate equitable transfers and finance companies doing the same thing on a larger scale, but whatever secresy may be advisable during the progress of the negotiation there can be no reasons why the fullest publicity should not afterwards be given to the terms and commission paid, in order that some check may be given to extravagance, and it is no more than just that the policyholders should have some voice in the matter. Such negotiations too often set aside the rights of policyholders, who, having made a contract with one company, are handed over without their consent to another—perhaps from a company with unlimited to one with limited liability; and in those instances in which new policies, as is often the case, are accepted by the transferred policyholders, or in which power of transfer is endorsed on the policies as given by the instrument constituting the company, or again, as was ruled last week, in which a bonus has been received from the new company, the liability of the transferring company is absolutely extinguished. Seven life offices have been transferred from company to company no less than four times, several three times, forty and upwards twice, eighty and upwards once. There are also instances of companies wound up in Chancery, and the business transferred to other companies, which themselves afterwards underwent the same process. The Saxon, for instance, was wound up by order of the Court in November, 1857, and the business transferred to the Era, which was itself wound up in April, 1858. The Tontine was wound up in June, 1849, and the business transferred to the Marine, which was transferred in 1858 to the English and Irish Church, which, however, proved a broken reed, and, as if prophetically of what has since taken place, was transferred in 1861 to the British Nation. [*Laughter, and* "Hear, hear."] Yes; but the British Nation does not appear to have benefited by the transaction, because the British Nation—I hope it may not prove another evil omen—has since been transferred to the European. In another instance insurers found themselves in five offices in nine years, four being without their consent. One company now in existence has absorbed no fewer than thirty-five others, and the Albert carried down in its fall twenty-four. It used to be urged, and was even made a reproach to me when I first moved in the matter, that notwithstanding all these changes there were no instances of the non-payment of policies when they became due—of the non-fulfilment, that is, of the contract; but this, though at best one of those facts which are proverbially fallacious, had ceased even before the fall of the Albert to be a fact altogether, because in truth two arrangements had been sanctioned by the Court, the practical effect of which was that the value of the policies was materially reduced, though the policyholders had performed their part of the contract. These arrangements are in this wise—the purchasing company values the policy, endorsing on it the present value as a debt on which interest has to be paid by the policyholder over and above the annual premium, and to the credit of which are carried whatever dividends may be received from the insolvent company. According to a letter in the public papers last year from the secretary of the Law Union, such an arrangement, by which that office took over certain policies of the insolvent Mitre, was sanctioned by the Master of the Rolls, the policyholders losing, unless they could recover from the insolvent estate, the whole benefit of previous payments, and being subject, moreover, to a fresh medical examination. It is not much to be wondered at that only 177 accepted those terms, and after this there was no longer any occasion, I imagine, to discuss the question whether the policyholders are or are not under the present law sufficiently secured. Much more than this, the mere transfer or amalgamation, still more the winding up of a company, so alarms the policyholders that many of them either drop their policies or surrender them at a heavy loss, for they cannot draw out their money as from a bank. These policyholders are, as the House knows, practically powerless. Unlike a body of shareholders, they are almost incapable of combination or united action. Except in mutual offices, they cannot even claim to see the accounts, or ask for a settlement, which is due, perhaps, only to their executors; and if they have positive proof of the prospective insolvency of an office, they cannot, according to a recent decision of the Court, obtain an order that it should be wound up. When, therefore, we remember how banks and other joint-stock companies have been injured by the operations of unprincipled speculators, we shall realize how sensitive are the "feeble folk" who depend upon the credit of an insurance office. It has been suggested that the proposed returns should comprise not only the rates of premium charged, but the table of surrender values, so that the policyholders might always know the value of their policy, and demand it. If the surrender values were fixed life policies might pass from hand to hand as securities for the amount. I have not included this among the particulars required, but it forms one of the interrogatories addressed to offices in the United States. In Massachusetts, when a policy is dropped, the surrender value is applied to keeping it up as far as this will go. In the words of the Insurance Commissioners' Report—"The law interposes to prevent the usual effects of forfeiture, and appropriates the money to the insurance of those who paid it." There are many instances of hardship on this ground. The case has been mentioned to me of a military officer who effected a policy of £900 at the age of twenty-eight. For six years and a half he paid the higher premium for India and for ten years the ordinary rate for Europe. At the end of sixteen years and a half, when he had paid £449 17*s.* in cash, he applied to know the surrender value. The policy participated in profits, and £44 6*s.* had been added. The surrender value offered for policy and bonuses was £96. A clergyman has written to me that for £539 12*s.* 10*d.* he has received £40 18*s.* 5*d.*, with a claim on an insolvent office for £67 19*s.* 2*d.* I have heard of policies of fifteen years standing for which only one-fifth, and even one-sixth, of the premiums had been offered. So that we are told that offices may exist for years on lapsed and surrendered policies, and new business which they attract by promises of participation in profits far larger than can be fairly earned or prudently divided, by payment of managers, according to gross profits — a plan which, when applied to managers of estates, was long the road to ruin for West India proprietors, and by large commissions to canvassers, who are even more extravagant than some of whom we have heard in recent Parliamentary elections. Thus they build up the tower higher every year only to increase the calamity of the ultimate fall. So that it is said by those who are well-informed that the Anglo-Bengalee Disinterested Loan and Life Assurance Company in *Martin Chuzzlewit* is by no means an overdrawn picture. If a return were ordered from all offices of policies surrendered or discontinued during the past five years, of the premiums paid upon them, and the amount of those premiums restored to policyholders, a very instructive piece of information would be presented. These are startling facts when we bear in mind that the calculations are based on ascertained averages subject to the least conceivable risks, and when we are told that the contracts of these companies exceeded £400,000,000, for which, in fact, they are trustees to the most helpless portion of the public, I think a *primâ facie* case has been made out for considerable distrust and alarm with respect to some of them. We are told in fact that such distrust exists, and it is alleged that owing to this distrust nothing like the number of people avail themselves of this mode of providing for the future that would otherwise do so, not more, in fact, than 750,000 in the British Islands, and that there is nothing like the amount of new business here as compared with the United States, where the law is far more stringent than it will be here if this Bill passes. A travelling agent to an assurance company, in a very intelligent letter which I have received, speaks strongly of this decay of public confidence—

> "It is objected," he says, "that there is no security that those who insure will reap the benefit of their foresight and self-denial; that they have no ready means of knowing the real state of the office to which they are making large annual payments, and that when at length the blow falls, they have no redress."

These circumstances have attracted, as might be expected, attention in other countries, and it is no doubt to such that the Insurance Commissioner of the State of Massachusetts alluded in a recent Report, when he spoke, in language scarcely exaggerated, of

> "The bankruptcy of scores of English life assurance companies, and the cruel disappointment of thousands of confiding policyholders."

And even if the case of policyholders were less strong, this would not be a conclusive argument against the Bill, because in the case of railway companies the House, in a Bill which it was my duty to present to its notice, has passed similar enactments for the protection of shareholders, enactments which are allowed on all sides to have had the effect of making the accounts of railway companies more intelligible. Now the strongest advocates of inaction in this matter have not pretended that the interests of shareholders have not in many cases been sacrificed. I may explain here that the Preamble in the original draft of the Bill, stating that it was for the better security of policyholders, has been omitted, not because it was, as some at the time stoutly affirmed, unfounded, but in compliance with the present usage in regard to Bills, though perhaps the words "and shareholders," ought to have been inserted, in order to make it more strictly in accordance with fact. I am one of those who have always been opposed to Government interference with private enterprize. I have frequently stated so much in this House. I have always thought that perfect freedom and perfect publicity ought to be the motto of a legislator in such matters. I have endeavoured to carry out that principle in this Bill. It provides that assurance companies shall make simple uniform statements every year, according to the model forms in the Schedules, which together with the actuarial report to be prepared at longer intervals, will enable people to compare the position of one office with that of another, and to judge of the solvency of any particular company. It also, as a natural corollary to these provisions, enables policyholders to apply to the Court, and the Court to grant a winding-up order, when it shall appear on the face of the returns that the company has insufficient assets to meet the prospective liabilities. In New York and Massachusetts the Court may call upon the company to show cause why it should not be wound up, on the requisition of the superintendent for a similar cause. Analogous provisions are found in the Companies Act 1862. Every new company will be required to make a deposit of £20,000 before commencing business, a provision intended to check the formation of companies merely for the benefit of promoters. This is in accordance with the recommendation of the Committee of 1853, and the amount is the same as that fixed for offices in the United States and Canada. The French, by a law passed in 1868, have analogous regulations with respect to paid-up capital and reserve. Offices doing other business besides life assurance will be required to keep a special life fund, on which contracts entered into subsequently to the Act, in respect of other business, shall have no claim. In America the law is much more stringent. There a life company cannot carry on any other business. The consent of a proportion of the policyholders is made necessary to a transfer or amalgamation, and a full statement of the payments in respect of such transactions is required. With respect to the winding-up of a company, there are two provisions to which I would invite the attention of the House. The first enables the Court to stay proceedings, in order to give time for calling up the capital of a proprietary company; the second enables the Court to reduce the liabilities on all contracts so as to prevent the serious consequences of winding-up, and enables the company to recover a sound position, if there seems to be any probability of its being able to do so. The Bill has been much altered since it was first presented to the House. Many changes have been introduced in consequence of what has occurred in the past year. Others have been made to meet the wishes of the profession of actuaries, and a committee, representing the greater number of English and Scotch offices, appointed at a meeting called at the office of the London Assurance Corporation, one of the two oldest companies in the country. But I have, as in the case of the Railways Regulation Bill, to which I have alluded, been obliged to content myself with giving a respectful attention to multitudinous suggestions, otherwise the Bill could never have been completed. Provision however is made, as in the case of railway accounts, for a certain elasticity to suit the peculiar circumstances of different offices. I must tender my acknowledgments to my hon. Friend the Secretary of the Board of Trade, with whom I have been in communication respecting this Bill, for giving me the benefit of some valuable suggestions, especially with reference to the legal clauses. I attach the greatest importance to uniformity of accounts. The Act of 1844, though not devoid of good results, was defective in two respects, it provided neither the form of the Returns, nor any means of enforcing compliance with its provisions. Many of the Returns made to Parliament under it were wholly unintelligible. Hence the necessity for Clause 17 in the Bill. Older offices also were excluded from its operation, though it might have been supposed that these would have been most willing to have their prudent management publicly recorded. It may be said, indeed, that these provisions may be evaded. Probably the same may be said of most laws, but there is a considerable difference between deception produced by fraud, and that resulting from the mystification which seems to be a virtue in the eyes of some framers of accounts. The first cannot be prevented, though it may be punished; the second will, I trust, be rendered more difficult by this measure. The two great commonwealths of New York and Massachusetts, embracing practically the whole business of the United States, carry supervision much further, though I may venture to say the principle, and even the details of this Bill have received the strong approval of some of the best authorities in America upon the subject. They insist upon very minute returns being sent to a public officer, who is directed to institute the most searching inquiries, and to report upon the condition of each office. In Canada and in Prussia, and lately in France, measures have been passed having the same object, though not equally stringent, and if the present unsatisfactory state of our law is allowed to continue, there is much reason for apprehending that English offices will be warned off from doing business in these countries. One was so warned off from Massachusetts long ago, and yet for ten years afterwards it held up its head in London. In the analogous case of savings banks and benefit societies the principle of Government regulation has been recognized, and, perhaps, as was stated the other night by the Chancellor of the Exchequer, has gone too far, and not far enough, so that it has failed to protect investors, while by holding out the utterly worthless guarantee of the certificate, it has left them in what is commonly termed a fool's paradise. The same may be said of the merely perfunctionary Government audit in the case of a well-known life assurance and guarantee society, which simply served the purpose of an advertisement to that company. But Government has done more than this—it has entered into competition with industrial assurance companies. This system has, indeed, not been so successful as might be wished, partly in consequence of the limit, but chiefly because no agents are employed to recommend it; it is worth no one's while to push it, to use a common word, and the postmasters are not always chosen for their efficiency, nor sufficiently remunerated to make them zealous in the work. But in respect of annuities and savings banks, vast numbers of small investors have shown their appreciation of the value of Government security, and a widely-spread feeling of distrust might lead to an extension of this competition. The question has been raised whether life assurance ought not to be considered a trust rather than a trade. In America the principle of State liability to the policyholder has been again and again discussed. In France it has been carried out within certain limits. Certainly the objections which exist to the management of sick clubs by Government or municipalities do not apply to their conduct of life business. I am not advocating this, but when we are told to shut our eyes to danger for fear of awakening apprehension, and to do nothing because we cannot command entire success, I cannot help pointing out this possible result of an unsatisfactory system. There are few more pitiable sights than an old age of indigence closing a life of toil, even when that indigence is caused by extravagance and improvidence, but how infinitely more miserable it is when a man, by his thrift and self-denial, has made provision for himself and his family by the only means in his power, means which have the sanction and encouragement of the laws of his country, that this provision should be snatched from him by malpractices against which he is powerless to guard himself. I have heard lately of a pilot, who, during a long period of his life, paid for an annuity to himself after the age of sixty-five, and to his wife after his death. He paid till he was sixty-four, when the company failed, and the widow is now in an almshouse—

"Crimine ab uno. Disce omnes."

What better excuse could be given for improvident habits than such a result? Almost every word I have now uttered might have been spoken last year, and the substance would have been presented to the House had not the celebration of Her Majesty's Birthday been unexpectedly fixed for the day on which my statement was to have been made. I mention this to show that this is no panic legislation, but springs from the deliberate conviction of experienced men whose attention has long been paid to the subject. But how much more may be said now. Since that day the fall of the Albert has taken place; a fall not difficult to be explained when we learn that the balance applicable to expenses was loaded with £274,000, paid for amalgamations, besides other sums, not so easily ascertainable, represented by bonds and paid-up policies to negotiators or their nominees, and this, perhaps, for transferring lives already overweighted with extravagant commissions. The Albert has fallen, but it has not fallen alone; it has dragged down with it the twenty-four offices it had absorbed. Let the House consider the expenditure this represents; twenty-five sets of promoters, twenty-five bills for preliminary expenses, twenty-five bodies of officials, twenty-four purchases of business, with all the payments to negotiators, solicitors, and counsel, besides compensation to officials and hush-money to objecting shareholders and policyholders. It is not too much to say that £10,000,000 have been handled, and that almost no assets remain; but that policyholders to the amount of £8,000,000 are ruined, and that annuitants to the amount of £18,000 a year suddenly deprived of subsistence. Who can wonder if lives have been shortened by these lamentable reverses of fortune, if not only destitution but death has resulted from this cold-blooded system of wholesale robbery? Can it be doubted that many a man has suffered the extreme penalty of the law who was far less morally guilty than some of these promoters, negotiators, and directors, who sit in high places, while their victims are pining in hopeless, undeserved poverty.—

"You take my house when you do take the prop
That doth sustain my house; you take my life
When you do take the means whereby I live."

It may be said that such a measure as this ought not to be in the hands of a private Member, but should be brought in on the responsibility of the Government. As a general rule I think so too, but this subject was pressed strongly on the late Government, who received many communications respecting it; and, as a Member of that Government I gave notice of a Motion which the want of time prevented my carrying further. I should gladly have left it in the hands of our successors, but the matter has been well considered, and I believe I am not going too far in saying that the Bill has been introduced with their concurrence. I have also been blamed for not having handed over the measure to the Government towards the end of last Session, when I was compelled by illness to forego the hope of carrying it through myself. But, while fully appreciating the kindness of my hon. Friend the Secretary of the Board of Trade in offering to assist me, I felt that at so late a period of the Session a debate was hopeless, and I thought a debate would be productive of almost as much advantage in opening the eyes of the country as the Bill itself. And this is much needed, for such is the ignorance of the public that it is a common saying among agents to assurance offices, that it is not the goodness of the office but the energy of the agent which secures the largest business. Moreover, there were several Amendments on the Paper which I feared would, if assented to, diminish the efficacy of the measure; and I knew too well from experience how often at a late hour one is obliged to yield to Amendments of which one disapproves in order to secure the passing of the Bill. And after all, no time has been lost. Had the Bill passed last Session it would not have prevented the calamities which occurred, and the experience thus dearly bought has prepared the public mind for a more complete measure; besides which, I may say that, some of the best offices have, in anticipation of legislation, given voluntarily for the first time much of the information desired;

and the House, by passing this measure will secure the permanence of this good beginning and extend the practice to those which are more backward. Sir, I have fulfilled my task to the best of my ability. I now leave the fate of this measure in the hands of the House, with full confidence that it will assist in removing what has been too long a disgrace to our national character as well as a heavy loss and grievous discouragement to the most industrious and provident portion of the community. The right hon. Gentleman concluded by moving the second reading of the Bill.

MR. SHAW LEFEVRE said, he had great pleasure in giving the assent of the Department with which he was connected to the second reading of the Bill, so ably advocated by his right hon. Friend opposite (Mr. Stephen Cave). The measure was one in which his right hon. Friend the President of the Board of Trade took a great interest last year, and it was with great regret he found that the right hon. Gentleman opposite was then unable from illness to proceed with it. But, although the cause of the delay was to be regretted, the delay itself had done no harm, and, on the whole, had perhaps not been without benefit. Legislation last Session could not have prevented the events which had occurred in the interval in the assurance world; while those events had thrown much valuable light on the subject, and also shown the necessity of the somewhat stringent provisions in the present Bill. In consequence of those events he had felt it his duty to give considerable attention to the matter, and, as stated by his right hon. Friend opposite, had suggested various amendments in his measure. On the general question of why it was advisable to deal exceptionally with the case of assurance companies it was hardly requisite for him, after the very lucid statement to which they had just listened, to enter into detail. When it was recollected that assurances were effected by the people of this country to the amount of nearly £400,000,000, and that those assurances were, to a great extent, the sole provision made for thousands of families after the death of the heads of those families, it was apparent that the matter was one of great importance. Again, there was something in the very contract of assurance which was peculiar. While in most other trades and businesses the contracts made were either of very short date, or if of long date were backed by ample security, in the case of life assurance the contract was generally a life-long one; and he believed he was right in saying that in the interval the law at present gave the policy holder no *locus standi* in a court of equity against the shareholders of a life assurance company. He could not require a court of equity to call for accounts. Yet it was of enormous importance that the moment an assurance company got into difficulties—into a state in which its reserve was not sufficient to meet its prospective liabilities the concern should be wound up and the assets distributed among the various parties entitled to them. Now, what was the position of the policyholders in this respect? If an insurance company should insure for every year the same amount it would be thirty-five years before the out-goings would be equal to the in-comings, and during that period there ought to be accumulated a reserve fund. Supposing a company, through reckless management, bad investments, or bad selection of lives, had seriously reduced the fund which it ought to accumulate to meet its liabilities, the position of the policyholder was this—He had two alternatives before him: he might either surrender his policy when he became aware that the reserve was insufficient to meet his prospective claim —and if he surrendered it the company would most probably give him very bad terms; or he might continue to pay his premiums with a great uncertainty as to whether his executors would receive anything at his death. In fact, the longer he lived the less chance had his executors of receiving anything; because those who died early were paid at the expense of those who survived. Then, take the position of a shareholder in such a company. He might be aware that the concern was insolvent, and without sufficient reserve to meet its prospective liabilities; but it was not his interest to wind up the company, because, if that were done, there was a great probability that its unpaid capital would be called up. His interest rather was to stave off the evil day as long as possible. In the case of the Albert Company he believed that was one great reason why the evil day was postponed. With that view, improvident amalgamation with other offices, lavish gifts to negotiators and agents, and general reckless management were frequently resorted to. Meanwhile those shareholders who were solvent sold their shares, and contrived to get out of the concern; and he need not remind the House that if they had been out of the concern for three years before the crash came they would be relieved of their liability, and that liability might have been transferred to men of straw. He had been told that embarrassed companies were not seldom relieved of their liability by the very fear which their position engendered among the policyholders. The policyholder, when he became aware of the insolvent state of his company, had the two alternatives open to him already stated—he might either surrender his policy or continue to pay his premiums with the chance of never being paid. Of course, numbers of assurers in such circumstances surrendered or abandoned their policies. A case had been mentioned to him not long ago on good authority. A company found itself insolvent—that was, with an insufficient reserve to meet its liabilities; but it might go on for some time to come. A meeting of the shareholders was called to consider the question of winding-up, but one shareholder, more shrewd than the others, said—"Don't for heaven's sake, wind up; for if you do, we shall surely have to meet heavy calls. Let us try the effect of alarming the policyholders." They accordingly dismissed all the officers, leaving only a person in charge to receive the premiums, and they told the policyholders that as their policies fell due they would be paid, and that in the meantime they were ready to receive their premiums. That created such a panic among the policyholders that large numbers of them abandoned their policies, and the company was thus relieved from its engagements. The moral he drew from that was—first, that it was exceedingly important that the policyholders should have the earliest information of the true condition of an insolvent company; and secondly, that on having that information, they should be put in the legal position in which they could protect themselves, so that the assets might be distributed equitably among the various parties entitled to them. The longer such a process was deferred the greater the danger and the greater must be the ultimate crash. The provisions he had suggested to his right hon. Friend opposite, and which were inserted in the Bill, had in view—first, that as soon as it was apparent a company was insolvent, a policyholder should have the same *locus standi* as a shareholder in a court of equity to obtain its winding-up; secondly, that in estimating whether or not a company was insolvent, in order to make it perfectly clear, as decided by Vice Chancellor James in the case of the European Company, the Court should take into account and estimate the present value of all future liabilities on the policies of assurance; and thirdly, that in the case of a proprietary company having an uncalled capital sufficient to make up the actual invested assets equal to the amount of the estimated liabilities the Court should have power to suspend the proceedings until the uncalled capital could be called up; but if the amount realized by means of the calls, together with the invested assets, were still found to be unequal to the estimated liabilities, then the company should be wound up. Another provision was that if a company turned out to be insolvent, the Court might, if it thought fit, reduce the amounts of its contracts, on such terms and subject to such conditions as it deemed just, instead of making a winding-up order. Under that provision the costly process of liquidation, which frequently swallowed up the assets of an insolvent company, could be dispensed with. In cases like the Albert Company, where, he was told, the expense was enormous, the Court would be able to frame a scheme by which, under better management, a company might be carried on for the benefit of the policyholders and others interested. Another clause of the Bill was designed to prevent the reckless amalgamations of which they had heard so much. It provided that the policyholders should have full information of an intended amalgamation, and also that the assent of a certain proportion of them should be required to make it legal. He wished to read to the House a letter bearing on that subject from a gentleman professionally engaged in the liquidation of the Albert Company. The writer said—

> "The cases are most numerous within the last twenty years in which policyholders have been handed over from one company to another

nd where large amounts have been deducted rom the assurance fund in the shape of bonuses nd compensation to negotiators, officers, direcors, and others, the result of which has been hat the security of the policyholders has, in nost cases, been diminished instead of increased; s solicitor to the liquidators of the Albert I ave had this prominently brought before me, hough many other cases have occurred in the ourse of my experience. In nine cases out of en no means whatever were given to the policyolders to ascertain whether the assurance fund anded over to the purchasing company was in ny respect sufficient or adequate for the liabiliies transferred; while, as to the policyholders aving a practical remedy, the cases show that t is only by proceedings in the Court of Chanery for the purpose of intercepting the conemplated amalgamation by injunction that any ood can be done. I have myself been engaged n several of these, and can speak to the great ractical difficulty of action in the matter. The ase of the Argus, the United Kingdom, the ritish Mutual, the Family Endowment, and nany others might be mentioned, and I shall, ndeed, be glad to see some such Bill passed nto law."

The object of the clauses relating to that ubject introduced into the Bill was to nake it clear to the policyholders what he condition of the companies proposing o amalgamate with each other was, and lso to insist on the consent of a certain roportion of the policyholders being btained before the amalgamation could e effected. Had a Bill of this nature een passed some ten years ago such a ase as that of the Albert Insurance ompany could not have occurred. It ould not be too widely known that the overnment would not under this Bill ack the solvency of any company, or uarantee the accuracy of their accounts. he Government approved the present ill on the ground that it insured the reater publicity of the accounts of these mpanies, and gave better legal remees as soon as the policyholders had certained the true position their comny occupied. He was not responsible r the drafting of the clauses to which e had referred and it was possible that ey might be capable of improvement Committee. It might also be desirable insert at some future time provisions prevent what might be called the recking of these companies. In conusion, he might state that he should happy on the part of Her Majesty's overnment to co-operate with his right n. Friend in making the measure as rfect as possible, so as to prevent a currence of the scandalous cases that d recently occurred in connection with insurance companies, which if properly conducted should be the best of all investments.

MR. BARNETT said, that having had some practical acquaintance with the matters now proposed to be dealt with, he was happy to congratulate the right hon. Gentleman below him (Mr. Stephen Cave) upon having brought this Bill to its present stage at so early a period of the Session, and trusted that nothing would occur to prevent its being carried to a successful termination. The delay that had occurred in bringing the Bill before the House was not to be regretted, inasmuch as it had given the Government an opportunity of making up their minds as to the course they should adopt with regard to it, and to agree upon the valuable suggestions that had been made by the hon. Gentleman who had just spoken. The necessity for such a Bill had been fully made out, not only by those revelations which had come before the public during the last year, but by the statements of the details of various cases which had been made to the House by his right hon. Friend on that and other occasions, and he was fully assured that the matter was now quite ripe for legislation. The interests involved were enormous, and the persons represented by the millions of money at stake had mainly made their contributions out of hard-earned savings, which savings had been dedicated in a spirit of prudence and forethought for those who were to come after them. These contracts were, in some aspects, of a one-sided character, as had been described by the Vice President of the Board of Trade, and it was right that the public should have protection in reference to them. He entirely approved that important provision of the Bill which rendered it imperative upon persons starting an insurance office to deposit a certain sum of money previously to their commencing that business. It was a new, and he thought a very valuable, feature of the Bill. He had picked out from the list of insurance offices established since 1844 no less than thirty-three which had a subscribed capital of £2,000,000, not one farthing of which had been paid up, and it was therefore evident that the promoters of those offices had some other object in view than that of enabling persons to provide for the wants and necessities of a future generation. With regard to the Albert Life Assurance Office he might observe that he thought the panic its failure had given rise to had been greater than there had been occasion for. He might also observe that most of the old-established offices had been in the habit for years of publishing accounts which gave a very fair idea of their actual position. He thought that the Bill under consideration only asked for what was perfectly reasonable in the shape of accounts; but at the same time it must be borne in mind that these accounts would only be thoroughly understood by persons conversant with such matters, it being impossible for unskilled persons to know whether the existing assets of a company were sufficient to meet its future liabilities. The regulations with respect to winding up, which had been added to the Bill, were most valuable. There was, however, a strong feeling in the commercial world against winding up these companies in the Court of Chancery, in which enormous costs were incurred; and it was a question whether a better tribunal might not be obtained for that purpose, by having recourse to the machinery available in the Court of Bankruptcy. On the whole he thought the Bill would meet in a great measure the demands of the public, and would not interfere unnecessarily with the liberty of the insurance companies. Members of the Government might take credit to themselves for having introduced some years ago the system of insurances in connection with the Post Office Department, which had proved a great boon to a large number of people belonging to the humbler classes. That system had been instituted for the purpose of encouraging insurers, and was not regarded with any jealousy by the offices in London, who preferred larger transactions than those undertaken by the Government offices, and he trusted that as the advantages it offered in the case of small savings became more widely known, people would more generally avail themselves of them. The right hon. Gentleman had said very truly that in a well-constituted office the business, which was based upon sound principles, ought to carry with it all the elements of safety; and it ought to be known to the public that one of the especial elements of safety of such an office was that, while the premiums were calculated according to the average duration of life throughout the kingdom, the office only granted policies upon picked lives. He did not know whether the Secretary o the Board of Trade was right in his facts with regard to the remedies possessed by the policyholders against the directors of the company in which they were insured, but he knew that two actions had lately been brought by those who held contracts of annuities against directors who had *bonâ fide* handed over the business of their respective companies t another company no less than eigh or nine years before the actions were brought, and among other director thus unfortunately placed was a noble Lord who not many years ago had held the position of Lord High Chancellor He was glad he had had the opportunity of expressing his favourable opinion o the right hon. Gentleman's Bill, which he trusted would become law.

Mr. W. SHAW said, he was o opinion that the Bill had been considerably improved since it came before the House last year, but he thought i capable of still further improvement. I was all very well to insist upon the publication of the accounts of these companies, but such accounts were very seldom looked at, and were still more rarely understood. It was said tha skilled persons would be able to comprehend them, but to such persons thes elaborate returns and accounts were unnecessary, inasmuch as, under the present system, those conversant with th affairs of insurance companies wer able to point out the unsound ones Under these circumstances, he submitte that the publication of the accounts woul have but little effect in preventing th calamities that had recently occurre with reference to certain insurance of ces. He should deem it his duty when th Bill got into Committee to again brin forward the Amendments he had pr posed last year. He was glad to fin that there was to be a compulsory aud of all the accounts of the various com panies; but he must observe that, as had hitherto been the object of the aud tors of these companies to make the stand as well as possible in the eyes the public, nothing would be regard as satisfactory except a compulsory a dit conducted by auditors who we perfectly independent of the compan whose accounts they were appointed investigate. The Bill provided for a compulsory audit of the accounts of each company once in every five years, and he saw no reason why the duty of auditing such accounts should not be undertaken by the Board of Trade, who might also investigate the nature of the assets belonging to such companies, and ascertain their value—a matter of the utmost importance to be known in estimating the position of a company, because there were companies who on paper showed a strong array of assets which, when examined into, turned out to be absolutely worthless. He would not go the whole length of the American system, but he would take a middle course, and give the Board of Trade the power of nominating an auditor once in every five years. He also thought that, where companies had gone on receiving premiums for years upon a policy, the burden of proving the existence of fraud should be thrown upon them in cases where they disputed the validity of the contract. He hoped that when these and similar reforms had been made in the law upon this subject the distrust in the public mind of insurance offices that now prevented the proper development of the system of insurance would be removed.

MR. G. B. GREGORY said, he could not agree with the hon. Gentleman who spoke last, that the audit should be placed in the hands of the Board of Trade, for he could not help thinking that the effect would be to induce persons to rely too much on the report of a Government officer of the condition of the companies instead of inquiring for themselves how matters stood. The true principle of mercantile and all other transactions of life was, that people should do their own business. It was most material to give people every facility for ascertaining the truth, but the maxim "*Vigilantibus, non dormientibus subveniunt leges,*" was the one that should be adopted in these cases. Your duty was to give parties every facility for investigation, but that investigation they should conduct for themselves. There was another point to which he was anxious to draw attention. There were two classes of insurance offices in existence—the mutual and the proprietary. In the latter offices it was usual for the directors to call annual meetings of the shareholders in the concern in order to explain to them the state of their affairs, but no such provision was made with respect to the policyholders. He should therefore suggest that a provision should be inserted in the Bill requiring that the directors of an insurance company should call annual or semi-annual meetings of the policyholders, in order to lay a statement of the accounts before them, so that they might have the amplest opportunity of knowing what was their position, and what were the liabilities of those with whom they had contracted. With reference to the subject of winding up these companies in the Court of Chancery, his impression was that it was within the discretion of that Court to make a winding-up order on the application of a policyholder, notwithstanding the fact that his policy had not become a claim. Such a policyholder might, however, be choked off by tendering to him the value of his policy, and he quite agreed with the hon. Gentleman the Secretary of the Board of Trade upon the propriety of placing the policyholder on a more substantial footing in that respect. But in his opinion it would be better to adopt the principle of the Bankruptcy Act of last year with reference to these companies, by enabling their creditors to deal with their estates themselves, instead of entrusting the management of an insolvent company to the official liquidators of the Court of Chancery, as, owing to the mass of business in that Court and, perhaps, some defects in the Winding-up Acts, the Court was inclined to lean too much upon the official liquidator, to leave matters too much in his hands, by which all control of the creditors was lost and enormous expenses were incurred.

MR. BOWRING said, that although he regretted that, owing to illness, the right hon. Gentleman (Mr. S. Cave) had been unable to proceed with his Bill upon the subject of insurance companies last year, he was glad, on the other hand, to find that this year he had been able, with his restored health, to introduce a measure upon the same subject of a more comprehensive character, doubtless owing to the scandal caused by the deplorable failure of the Albert Company last autumn. With reference to the seventh clause, providing for a quinquennial audit of the accounts of all companies by an actuary, he would draw attention to the fact that the Bill contained no definition of what was an actuary. In dealing with this point he need scarcely remind the House that on the occasion of the panic of 1866 many companies whose duly audited accounts had presented a most flourishing appearance, and who had distributed large dividends, were at the time utterly insolvent, notwithstanding the auditors' certificates. He would suggest that, as a test of professional respectability, the actuaries employed under this clause should be required to be members of the Institute of Actuaries, which took care that none were connected with it whose character did not stand well. When the Bill got into Committee he should probably propose the Amendments of which he had given notice last year, and which went in the direction of securing greater publicity of accounts; the first being to the effect that all companies not registered under the Companies' Act should be bound to give to all shareholders and policyholders a list of the names and addresses of their shareholders upon payment of a small charge. The object of this Amendment, which was taken from the provisions of the Companies' Act, was to facilitate the communication of shareholders with each other. The other Amendment he proposed to introduce into the Bill was to the effect that in the case of all companies not within the Companies' Act printed copies of the deed of settlement should be kept for the benefit of those interested. He begged in conclusion to thank the right hon. Gentleman for introducing so valuable a Bill.

Mr. THOMAS CAVE said, that having had a most disastrous connection with an insurance company, he was anxious to say a few words upon the subject of the Bill. In the first place, the Bill was defective, in his opinion, inasmuch as it did not bind the company to repurchase a policy at its surrender value, and did not direct that the surrender value should be uniform. He held in his hand the prospectus of the Scottish Widows' Fund, which stated that in all cases where the policyholder was unable to continue the payment of his premiums the policies would be repurchased at an equitable rate. The right hon. Gentleman (Mr. S. Cave) had referred to the case of a gallant officer who, having paid several hundred pounds upon his policy, had only received a paltry £80 or £90 in return, but the prospectus to which he referred showed that the value of the policy, as years passed away, might amount to from 33 per cent to 100 per cent of the whole premiums paid. He would suggest that the Bill should provide that no dividends should be declared until the surrender value of the whole of the policies had been invested in certain securities. A clause in the Bill very properly provided that no company should commence business unless they had previously deposited the sum of £20,000; but he might remind the House that in the case of railways the deposit which that House in its wisdom required to be made by the promoters was usually obtained by some colourable means, being generally in the nature of a loan from a bank, and really afforded no security for payment at all. He would therefore suggest that the deposit in the case of the promoters of insurance companies should be permanent instead of temporary, as a safeguard against practices of a similar kind to those to which he had referred being carried on. He now approached a still more serious defect in the Bill. The right hon. Gentleman demanded that the assets and the liabilities of insurance companies should be valued, but he had omitted to indicate at what rate they should be valued. It was easy for insurance companies, by undervaluing their liabilities and overrating their assets, to show themselves infinitely richer than they really were; and how was an agricultural labourer at John O'Groat's or an artizan to calculate the real value of those securities and the liabilities. Then there were the discrepancies that existed in the various tables of mortality. The Scottish Widows' Fund valued their liabilities according to the "Carlisle Tables," while the Commercial Union valued theirs according to the "Combined Experience Tables," and the result of this variation in the rate of valuation of their liabilities might be illustrated by the report of the actuary of the Commercial Union Assurance Company, which he held in his hand, and which boldly stated that the Scottish Widows' Fund had undervalued theirs by £179,000; also by the fact that two most respectable companies having discovered the erroneous principles upon which they had been conducting their business, had been unable to declare their usual bonus; and yet the "Carlisle Tables," now held to be defective, were the ones upon which the calculations of the insurance companies were generally based. Another defect in the Bill was that it allowed a certain proportion of the money of the insurance offices to be lent on loan on personal security. If the right hon. Gentleman had had his (Mr. T. Cave's) experience in insurance companies he would certainly never have admitted such a provision into his Bill. A banker who invested his capital in personal securities would soon be ruined, and a company who followed a similar course would soon be brought to nought. He would explain how this system of lending money on personal security had arisen. A number of companies mainly relied on obtaining business by lending money on personal security, on the condition that the borrower would take out a policy equal to or exceeding the amount borrowed. That was, in his opinion, a very unhealthy way of doing life insurance business, and it ought not to be encouraged. Another objectionable feature in the present system was the enormous percentage paid to the agents of these offices, who frequently received as much as from 60 to 70 per cent of the first year's premiums. These excessive commissions led to an amount of activity which was not for the advantage of the public. It was quite possible for a man to be over insured as well as under insured; and he knew a case where a person who had failed, and was unable to pay his creditors, possessed a large number of policies of insurance upon his life. He regarded the Bill as being generally defective, and as not dealing with the subject in a manly way. The Bill was extremely deficient in providing for an effective audit. He did not believe there was a perfect audit of any company with which he was acquainted in London. No audit could be perfectly satisfactory that was not performed by persons responsible to the Government, and not appointed nor paid by the companies themselves. He thought that the condemnation of amalgamations might be carried too far, because if the directors of ten companies found themselves too weak to contend singly with the older companies, they would do well honourably to amalgamate, and so form one strong company, and manage their business with greater economy and efficiency. In his (Mr. T. Cave's) own company the first thing the shareholders did was to meet together and see that no permanent injury would ultimately be done to any policyholders. The right hon. Gentleman had provided in his Bill for the publication of the balance-sheet and for its delivery upon demand, but he (Mr. T. Cave) thought that it should be rendered compulsory upon the directors to send a copy of it by post to each of the shareholders and policyholders. In his opinion the plan for taking an insolvent company into the Court of Chancery merely to cut down the liabilities would be a delusion. That would destroy its reputation and its chance of success. The only straightforward course to pursue under such circumstances would be winding up or bankruptcy. He trusted that the Amendments he had suggested would be considered, and that the defects he had pointed out in the Bill would be remedied in Committee.

MR. M'LAREN said, that as representing a constituency which was largely interested in life assurances, he had reason to believe that the Bill of the right hon. Gentleman gave general satisfaction in all its main points. The measure had been objected to by the hon. Member who had last addressed the House on several grounds, principally, it appeared to him, because he had misunderstood its objects. The hon. Member had objected to the measure on the ground that it permitted insurance offices to lend their money on personal security. But the Bill was intended not to authorize such loans, but to detect them if made, the nature of all the different descriptions of loans being directed to appear on the balance-sheet, a course of proceeding which would indirectly have the effect of putting a stop to such transactions altogether. Then, upon the question of the publication of the accounts, the hon. Member said that many of the assured could not comprehend them even if they were to read them. But at all events such a publication of the accounts would enable skilled persons at once to show the weakness or the strength of an office; and the comparison of the accounts of one office with those of another would give ample information to men of ordinary sense which was the sounder of the two. It had been suggested that the Board of Trade should appoint the auditors, but he could not give his assent to such a proposition. There were insurance offices which had granted from 8,000 to 16,000 policies, and was it to be supposed that an auditor from the Board of Trade could take each of those policies individually, ascertain the age and liabilities of the person assured, and so arriving at materials, proceed to calculate the value of each policy. He should like to know when such an operation would be completed, unless the Board of Trade were to appoint a whole army of auditors, a matter entirely out of the question. It was unjust to expect the Government to do the business of people who ought to do it for themselves; and if Parliament threw ample light upon the accounts and upon the tables upon which the calculations of the offices were framed, as was proposed to be done by the Bill, they would have done all that they were entitled to do in the matter. The hon. Member who had just sat down had referred to the different scales upon which the various companies valued their securities, and had stated that he had seen it alleged that the Scottish Widows' Fund had undervalued their liabilities by £179,000. In reply to that statement, he had to observe that the Scottish Widows' Fund, which was established in 1814, was the largest life assurance office in the world, it having an annual income of above £600,000, and that its accumulated capital amounted to above £5,000,000. Any actuary, therefore, who should have the boldness to come forward and assert that the business of that office was based upon erroneous calculations could never expect to receive the least credit, and would only show his own incompetence for his profession. It had been remarked that in valuing their future assets some companies adopted the scale of 3 per cent and others that of 3½ per cent per annum, and therefore it was argued that one or the other scale must necessarily be erroneous. Such a conclusion, however, did not necessarily follow, because, while some companies invested their capital mainly in Consols, and received a little over 3 per cent for their money, others invested their capital on land, first-class railway bonds, and other undoubted securities, and received 4 per cent upon the sums so invested. The latter companies would therefore be justified in calculating their assets at the rate of 3½ or even 4 per cent per annum, while the former, of course, would be bound to adopt a lower rate as the basis of their calculations. The Bill, however, would render it compulsory upon companies to show the rate of accumulating interest upon which they valued their assets.

Mr. ANDERSON said, he had considerable doubt whether the object of the right hon. Gentleman would be attained by the provisions of the Bill. The accounts which it directed to be published were not such as any ordinary life insurer would be able to derive any information from. Now, it was for the protection of the weak and ignorant, and not for that of the wise and skilled man, that this Bill was supposed to be framed. It would be of no service to actuaries to order the accounts to be published, because those persons were already fully aware of the weak companies, and could point out many which were doing a large business on an unsound basis. He thought it was not likely that the winding-up clauses of the Bill would be taken advantage of, at least not by those they were meant to protect. The duty should lie upon a Government prosecutor of taking steps for winding up an unsound company, because the shareholder, in the event of discovering its unsoundness, would merely do his best to sell his shares, while the policyholder would seek to make the best terms for himself he could obtain; and the more unsound a company was the more likely would it be for such a compromise to be made and thus the unsoundness escape publicity. The Bill would facilitate the action of those who had made a business of company-wrecking. What would be the position of a company whose business was, perhaps, perfectly sound, against whom a petition for a winding-up order had been presented? It would immediately suffer from a falling off in public confidence, its shares would be depreciated or unmarketable, no new business would come in, and a large number of the existing policyholders would withdraw; and the result would be that while they were endeavouring by a long expensive legal process to show that their business was perfectly sound they would be almost, if not entirely, ruined. He preferred the remedy suggested by the hon. Member for Bandon (Mr. W. Shaw), that a public actuary should be appointed. It might, of course, be objected that this would imply a Government responsibility. But the certificate need not be of such a character as to convey any responsibility; all he asked was that there should be a public actuary, who should give a certificate, as in the case of friendly societies, that the actuarial basis of the company was not unsound, but who should have nothing to do with the accounts. At the same time, there should be a proper audit of accounts, and the public actuary should refuse to give a certificate as to the soundness of the basis of the company unless he were first shown a certificate from a competent and independent auditor that the accounts were accurate.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Government are parties, in some degree, to the introduction of this Bill, and I am free to admit that it reflects great credit upon the diligence of the right hon. Gentleman the Member for Shoreham (Mr. S. Cave), and that he has done great service by the excellent speech he has made to-day. I wish to make a few criticisms, however, not in a hostile spirit, but mainly to show, what can be shown quite clearly, that even this Bill, carefully prepared as it is, and amended as it may be hereafter, will not really be an adequate remedy for the mischief we have to deal with. What is the real state of the case? The picture which the right hon. Gentleman has drawn as a possible one is, unfortunately, often too true, that an honest and industrious man has often pinched and saved during the whole of his life to make a provision for his family, and that then, not from any fault on his part, but simply from causes arising out of his education and position in life, he has found himself and them deprived of that provision, and reduced to abject poverty, instead of the ease and comfort upon which he had relied in his old age. That is now the result in too many cases. I want to see whether this Bill, when carried into effect, will really do anything to prevent that state of things. Not that I wish to argue against the Bill, but I want the House to consider whether the Bill affords a complete remedy, or whether a more complete remedy cannot be provided. What is the real nature of life insurance companies? They differ from all other kinds of business in this respect,—that whereas in all other kinds of business you begin with an outlay and get the profits afterwards, in life assurance business the profit is obtained first and the outlay comes many years afterwards. They begin all smooth and fair, and go on year after year receiving large payments in respect to a remote contingency. They have little or nothing to pay, and the consequence is that, as a general rule, human nature is not equal to dealing rationally and fairly with such a state of affairs. The temptation to make away with the money seems too great. Reckless things are done, and when the time comes for fulfilling the contract the means of fulfilling it no longer exist. That is one peculiarity. Another is that the whole power of assurance companies to fulfil their obligations depends entirely upon the nature of their investments. There is no check upon this point in the Bill, and I do not see how any check can be applied to the investments which they choose to make. Another thing which may possibly not be in the nature of assurance companies, but which has certainly become almost inseparable from them, is that companies are got up and supplied with policyholders by a system of puffing, touting, and bribing which is almost unexampled in any other line of business. It is a most deplorable consideration, and yet it is really true, that when a man who is not himself competent to judge of the security of the office in which he invests goes to a person whom he regards as his confidential adviser and friend—as one who will tell him whether he ought to deal with that company — this confidential adviser to whom he so applies may be a person who is about to receive a large pecuniary consideration for advising him, quite apart from the merits of the case. These are some of the evils which I venture to point out in reference to the present state of insurance business; and I am sorry to say that with every wish to think well of this Bill, and admitting that it does contain valuable improvements, still no man can say that it will remedy any one of those evils. There is no clause of the Bill which is directed either to the question of investments or to this system of getting up companies by payments to those who bring business. What the Bill does is this—I divide it into two parts. One relates to the insolvency of companies, and the other to the transfer of their business to other companies. These are most proper objects, and I dare say they are dealt with in a proper and judicious manner. But the rest of the Bill bears only a pale and shadowy resemblance to the stringent laws that have been passed in Massachusetts and New York. It is the law that prevails there, but with the sting taken out. For instance, the Bill enacts that the sum of £20,000 shall be deposited with the Accountant General before the company commences business, which is to be returned when the life assurance fund accumulated out of premiums amounts to £40,000; but in New York a deposit of $100,000 must be made, which is never refunded at all while the company is in existence. Under this Bill the companies will be obliged to make certain returns; but, in New York, there is an absolutely despotic power over the companies of investigating the accounts at all times, and winding them up at pleasure. The companies are under the absolute and perfect control of the officers appointed by the State. There is a clause in this Bill to separate the risks on life and fire insurance; but, in New York, a life assurance company is absolutely forbidden to have anything to do with fire insurance, or to transact more than one kind of business. It is said that these American offices have certainly succeeded in giving the greatest confidence in the system of life insurance which prevails in that country. It is, however, at present only of recent origin, and whether, when it comes to the test of age, it being now in the flowery days of youth, it will be found to justify that confidence, cannot now be foreseen. I cannot help thinking, however, that it is exceedingly probable that this immense amount of Government interference will produce an overweening confidence in its efficiency, that the people will have utterly neglected to protect themselves, and that they will lose as much by being protected too much as if the law had protected them too little. The right hon. Gentleman has wisely foreborne from introducing these clauses, because this country would not tolerate such provisions for a moment as those of the American law. He will excuse me for making this criticism—that these provisions for obtaining security in America have not been supplied in this Bill by any others. The whole foundation of the Bill consists in the number of returns which the companies are to make, and these returns are to be made through the person appointed by them. Now, if you want to get at the bottom of things that is not, I think, a satisfactory arrangement. Giving to the right hon. Gentleman every credit for the manner in which the Schedules to the Bill are drawn out, I still think that even they may be defeated by the ingenuity of persons working together with the combined object of keeping the public in the dark. The fault, however, does not lie so much with the right hon. Gentleman as in the position and nature of things. The difficulty really amounts to this—the returns of the affairs of companies are wanted; but if you trust to the companies to make their own returns, you may be quite sure they will strain every nerve to keep back all that they wish you not to know. If, on the other hand, you trust to a Government audit or inspection, then you mix the Government up in the concern; and, although a man may be given only a limited function, yet the inevitable result will be that he will give the company a spurious, false, and unfair credit, as having the weight, and probably the guarantee of the Government behind. You cannot escape from this dilemma. The right hon. Gentleman had Scylla and Charybdis before him, and he has escaped them by getting into a complete calm. I do not think you can call upon the Government to make this audit, for reasons which have been stated by the hon. Member for Edinburgh (Mr. M'Laren), and the hon. Gentleman opposite (Mr. G. Gregory). I do not think it is the function of the Government, and I do not believe the Government would do it well. They would go to sleep over it; they would give to companies undue and unfair credit; and thus the Government would be parties to leading persons to trust many unworthy concerns. I venture to suggest with regard to such benefit as can be derived from the returns that the Bill does not contain any provision for publicity. The returns are only to be deposited with the Board of Trade, and the public, if they want to see them, are to make application to the Board of Trade, which would never be made as long as companies are believed to be going on well. I should have thought the right hon. Gentleman might have steered a middle course, and have obliged all companies to publish them in some form or other in the *London Gazette* or in the newspapers, where they would be accessible to everybody. Although shareholders might not profit much by that plan, yet there would be an advantage in obtaining the criticisms of people who are perfectly able to scrutinize them, and who in the rivalry of the different companies would be sharp enough to point out each other's errors. Even with this it is manifest that for all the inherent temptations to the companies to make away with money—arising from the certainty with which it comes in and the postponement of the payment—for the looseness of investment and for touting and bribing, this Bill offers no remedy. I am unwilling to sit down without saying that I desire most earnestly that something may be done whereby we may take away what is a reproach to our laws—that there are no means by which an Englishman—a man not highly educated, so as to be capable of judging of these problems—can assure his life in such a way as to be perfectly certain that on his death the benefit which he designs for those whom he may leave behind may come to them. There is at present no such thing as that in this country. We are, I suppose, all insured somewhere or other, but it is a mere probability. There are no means by which a man can avoid the most painful position in which it is possible to be placed — that of dying in doubt and anxiety whether his family will receive the provision which he has made for them. I have said that I am unwilling to invoke the aid of Government if it can be helped, but it has occurred to me as being worthy of consideration—and I have given a good deal of consideration to the subject—whether it might not be the duty of the Government to come forward themselves and offer to the public, on terms sufficiently high to prevent them from coming into serious competition with really good companies, and without offering any collateral advantages or bonus whatever, the absolute security which the Government have alone the power to give to insurers. I merely throw out this idea for after consideration. After looking at the Bill and considering the question in all its branches, I have come to the conclusion that it does not really meet the difficulties of the case as I have apprehended them, and, further, I do not believe it is in the power of anybody to frame a Bill based on private association which would meet those difficulties. I recommend the matter to the consideration of those whom it may concern, and I shall be ready to do what I have stated if it should be thought by the House desirable that the Government should do what I have said. The Government have plenty on their hands, and the profits of such a business as I have indicated are very trifling; but if we, in consideration of a sum of money, grant annuities, of course the converse operation is open to us, and we may grant a sum of money on death in consideration of an annuity being paid to us during life. The Government do not wish to put themselves into this position, but if the House considered that neither this measure nor any other measure of human invention can really give the security required, they may ask themselves whether it may not be wise to enable the Government to give that amount of security upon terms sufficiently high to prevent them from entering into unfair or unreasonable competition with existing companies, and whether by so doing they will not be supplying a want of absolute certainty in life assurance which, so far as I know, cannot be supplied in any other way. I shall be glad to hear what hon. Gentlemen think of this proposal. I do not wish to force it upon them; but if it should be thought to be for the public benefit I am willing to do something in this matter.

MR. KINNAIRD said, they must all have listened with great interest to the speech of the Chancellor of the Exchequer, but he was afraid it was not calculated to encourage the right hon. Gentleman (Mr. S. Cave) to proceed with his Bill. He (Mr. Kinnaird) agreed that there were difficulties in the way, but he would ask whether, after recent events, it had not became a duty to legislate in this matter, so as to restore confidence in these associations. But whatever was done he hoped that there would be no Select Committee, as this, in his opinion, would be wholly unnecessary, because the provisions of the Bill had been considered by a committee of actuaries during the Recess, and had met with their approval. He was glad to hear the closing remarks of the Chancellor of the Exchequer. And he did not believe that the great solvent life assurance companies would look with jealousy upon the proposal of the right hon. Gentleman, while many persons would be glad to have Government security in so important a matter.

MR. DODSON said, that the speech of the Chancellor of the Exchequer had been the only one importing new matter beyond the scope of the Bill into the debate; and until the right hon. Gentleman rose there had been an almost unanimous approval of the Bill. He (Mr. Dodson) agreed that it was not desirable for the Government to undertake the audit of these companies, or to make itself responsible for the correctness of the accounts or the soundness of the companies, because their doing so would only inspire a false security. With regard to the suggestion of the Chancellor of the Exchequer, that the advantage would be greater if the accounts were published in the *London Gazette* or the newspapers, he was afraid, from the voluminous nature of the accounts, that it would entail considerable expense upon the companies; and his opinion was that it would not confer any corresponding benefit on the public. The accounts would, of course, be furnished to the shareholders, and would be laid before Parliament every year. Very few persons understood, or were willing to take the trouble to understand, the balance-sheet of a mercantile or a banking company; and still fewer was the number of those who understood or took the pains fully to comprehend the accounts of a life assurance company, inasmuch as the nature of these accounts rendered them more difficult to understand. Therefore, he apprehended, no advantage would be gained by the publication of them. But the object secured by the Bill was that the accounts would be furnished to all parties interested in them; they would be laid before Parliament, and any party, say a rival company, interested in criticizing and investigating them, would have the opportunity of making an analysis or abstract, and would take good care to do so. In this latter form and in that manner the returns would reach the apprehensions of the public at large. With regard to the suggestion thrown out by the right hon. Gentleman the Chancellor of the Exchequer, that the Government itself might, in a manner, enter into the business of life insurance, the House was not called upon at that time to offer any opinion, nor could the right hon. Gentleman expect it should do so. The subject of the suggestion must remain for after-consideration; but whether the Government was prepared to propose any measure of that description, or whether the House would hereafter determine that any such proposal should be adopted if made on the part of the Government, was a question which need in no way affect the second reading of the Bill now before the House. He hoped the Bill would receive the assent of the House, and that it would soon pass into law.

Motion *agreed to.*

Bill read a second time, and *committed* for *Wednesday* next.

ATTORNEYS AND SOLICITORS REMUNERATION BILL—[BILL 6.]

(*Mr. Rathbone, Mr. George Gregory, Mr. Morley, Mr. Goldney*).

SECOND READING.

MR. RATHBONE, in moving that this Bill be now read a second time, said, he did not think it would be necessary to detain the House with many observations, as he believed the present mode of remunerating attorneys and solicitors was universally condemned. It was marvellous that in a country like this there should so long have existed a system of remunerating men by the length of their documents, and the number of items they could put into their bills. The system admitted of solicitors and attorneys literally inventing items of charge, and increasing the length of large documents; and that increase of length was a source of increased danger of mistakes in the documents as well as an increase of expense to the client. It was a system, therefore, which, while its admission of excessive and fictitious charges was offensive to the most high-minded part of the profession, on the other hand afforded the readiest possible means for a greedy and unscrupulous man to fleece his client without going beyond the strict letter of the law. It was a system which did not distinctly recognize either skill and labour or the responsibility thrown upon the practitioner; the good and the bad workman were paid alike, and there was not the benefit arising from competition that was to be found in the United States. But the worst part of the present system was that so long as it existed it placed an impediment in the way of passing many measures which had for their object the simplification and improvement of the law, and whenever any such reforms were carried it placed the greatest difficulty in the way of their beneficial operation. It was the opinion of many of the most experienced in the profession that any Bill for rendering more easy and cheap the transfer of land could not operate unless some change were first effected in the present system of solicitors' charges. Such a Bill would simply be ruin to the great body of country practitioners. One reason why Lord Westbury's Act for the Registry of Land Titles had become a dead letter was because no attorney could work it and get properly remunerated for his labour. The cheap and easy transfer of small properties was of great importance to working men, and it was also essential that they should have similar facilities for raising money on mortgage. The system of remuneration of solicitors presented the chief difficulty to those of the working classes who desired to obtain a safe and profitable investment for their savings; and mainly on the ground that the Bill would, if passed, offer inducements to working men to invest their savings in a profitable manner, he had undertaken to bring the Bill before the House in order that it might become law. The evils which it sought to remove would be remedied by freedom of contract, guarded by the most stringent regulations to prevent either fraud or extortion being practised on clients. By the provisions of the Bill the attorney and client might agree together for the payment of a certain amount, in lieu of the mode of charge at present adopted; but as the position of the attorney gave him considerable facility to take advantage of the inexperience of his client, it was provided in the Bill that all such agreements should be subject to revision and reversal by a court of justice, even after payment had been made by the client, and this mode of appeal would be simple and inexpensive. There was a provision that by agreement attorneys might take security for future costs, which would tend to prevent business, especially that of the poorer classes, from falling into the hands of speculative and unscrupulous attorneys. The Bill also provided that in the taxation of costs regard should be had to the skill used by the attorney. It was further provided that, subject to stringent conditions, a legal trustee might be remunerated for his professional services. The principles of the Bill were not new in legislation; they had been recently recognized in many legal decisions, and to a certain extent in several Acts of Parliament. The Law Association had carefully considered the provisions of the Bill and approved of them, and he hoped that no opposition would be presented to a measure which was calculated to be of service to the community at large.

MR. HENLEY said, he would have been glad to hear the opinion of the Government on this Bill, but as there was no one there to give it they must do without it as well as they could. He did not pretend to give any opinion on the Bill, but he thought the 19th section, as it stood at present, was rather one-sided. He was anxious as much as anyone that documents should be kept within reasonable limits; but he would suggest that, if payment was to be made for skill as well as length, there ought to be a provision that where necessary length occurred it should be paid for in a proper manner. He hoped that when the Bill went into Committee this point would be considered.

MR. HURST said, with respect to the 17th section, relating to the remuneration of a solicitor acting as a trustee, much might be contended on both sides; he did not say such payment would not be right, but the details of the section would require the most serious consideration before the provision passed into law. He considered the Bill as an improvement, and was surprised that something of the kind had not been done before.

MR. HERMON said, he approved generally of the measure.

MR. LOCKE said, he thought the clause in the Bill enabling a solicitor to make a bargain with his client to receive a sum far beyond what the taxing officer would give him ought to be guarded in some way for the protection of the client. He should contend that the bargain should be subjected to the same condition as that between the coachman and the hirer; a bargain should be made, but if the coachman should, thorough the ignorance of the hirer, get more than the authorized fare, the latter should be entitled to recover for the difference; for scarcely anybody but a taxing master knew exactly what an attorney was entitled to receive for the performance of his duties.

MR. G. B. GREGORY said, he believed the provisions of the Bill were sufficiently restricted to meet the dangers that had been suggested; but if that were not the case, the promoters would be willing to consider any Amendments that might be proposed in Committee. The Bill did not emanate from him or anybody with whom he was connected, but from the mercantile interest in the House who were Gentlemen really interested in the subject; on one point he wished to say a few words. At the present time the trouble taken by the legal profession in the transfer of small property was equal to the labour in respect of large property, and the consequence was that the charge was about the same in amount. It was, therefore, very desirable that a professional man should have the opportunity of saying to his client—"This is a small case; I will undertake it for you, and it will cost you so much." For this the attorney could only be compensated by a higher scale of charges in cases which would well afford it. In respect of the larger transfers, it would be open to the client to say whether he would go according to that higher scale, or whether he would pay the ordinary charges. The operation of the present law practically excluded an attorney from a trust; and inasmuch as many testators, on account of the complication of their affairs, were most anxious that they should be dealt with by their confidential adviser, the clause practically qualifying an attorney to act as trustee ought to pass into law. He would remark that the disqualification of solicitors to act as trustees arose from a decision of Lord Lyndhurst, who ruled that a solicitor so acting could not make professional charges in his capacity of trustee. As far as he had examined the Bill, it was calculated to prevent the operation of fraud.

MR. RUSSELL GURNEY said, he wished to point out that the 10th clause of the Bill afforded the security which his hon. and learned Friend the Member for Southwark (Mr. Locke) desired in favour of clients; because it provided that if the court or judge before whom the agreement between the solicitor and the client should be sought to be enforced or to be set aside was satisfied that undue advantage had been taken in making the agreement, he might require the agreement to be given up and altogether cancelled.

Motion *agreed to*.

Bill read a second time and *committed* for *Monday* next.

BENEFICES BILL.

Bill to render void the sale of the next presentation to a Benefice, *presented*, and read the first time. [Bill 46.]

EDUCATION OF THE BLIND, &C. BILL.

On Motion of Mr. WHEELHOUSE, Bill to provide for the Elementary Education of Blind and Deaf and Dumb Children, and for the Governmental Inspection of such Schools for such Children, *ordered* to be brought in by Mr. WHEELHOUSE, Mr. WARD JACKSON, and Mr. MELLOR.

Bill *presented*, and read the first time. [Bill 47.]

House adjourned at half after Three o'clock.

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HOUSE OF LORDS,

Thursday, 24th February, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Dissolved Districts and Unions * (15).

Second Reading — Judges Jurisdiction * (10); Provisional Orders Bills (Committees) * (11).

HOURS OF LABOUR REGULATION ACT.

QUESTION.

LORD LYTTELTON asked, If Her Majesty's Government intend to bring in a measure to amend the Hours of Labour Regulation Act, which was commonly known as the Workshops Act? He must say he should be disappointed if the Government did not answer his Question in the affirmative, or, at least, did not promise to take up the matter next Session. It was notorious that the Act was almost a dead letter in almost all parts of the country, almost its only value being as a recognition of extending the principle of the Factory Acts, by providing limited hours of labour and education for young persons engaged in workshops. No measure of equal importance had proved so weak in its executive part, and he doubted whether those who carried it had the least expectation, or even intention, that it would have any appreciable effect. It was even doubtful whether any adequate powers were conferred on the local authorities —and even if they were, they were not bodies which were likely to exercise them efficiently, being such as town councils and vestries; while for years the tendency of legislation had been to take away power from vestries. The reports of the Factory Inspectors showed that in one of the districts (Mr. Baker's) the Act could only be said to be effectually in force in two towns—Leicester, a place of importance, and Leek, an obscure town in Staffordshire. Even in the great town of Birmingham itself, which talked so loudly on the subject of education, which had given birth to the National Education League, of which they had recently heard so much, and whose town council were even now claiming, and, perhaps, not unreasonably, from the Commission to which he belonged, the sole control of the great endowed school of the town — and though such a measure as the Workshops Act was especially required in a town where trade was carried on in innumerable small workshops—even in Birmingham itself the Act was habitually set at nought by the authorities. Now, if there were no available remedy, complaint would be idle; but Mr. Robert Baker, the well-known Factory Inspector, had for two or three years called attention to the defects, and had laid down a few simple remedies which would almost completely remove them. His proposal was that the dividing line between factories and workshops should be reduced from fifty *employés* to seven, all establishments above that number being brought within the Factory Acts; that the hours of labour and of education should be the same both for factories and workshops; that there should be the same power of entry to the Inspector in both cases, without any special order from the justices; and lastly, and chiefly that the administration of the Act should be placed under the control of the Inspectors of Factories instead of inefficient local bodies. This would not involve any great expense, and Mr. Baker had drawn up a draft Bill, comprising these and further alterations in detail. Whether so detailed a measure was necessary he would not say; but were these suggestions carried into effect he (Lord Lyttelton) believed that the evils complained of would be remedied. With regard to the general Education Bill, he presumed it would not receive the advantage of such a special provision as this. Nor was education the only object of this Act, which also aimed at protecting women and children from excessive labour, as in the case of the cotton districts.

THE EARL OF MORLEY said, he was glad to be able to assure the noble Lord that the whole question of the Workshops Act, including also the Factory Acts, was under the consideration of the Government, which was fully sensible of the imperfections of these Acts, and of their need of amendment. There could be no doubt from the reports of the Inspectors that the Workshops Act was but very partially applied by the local authorities, and, even where applied, very inefficiently carried out. The hard and fast line which separated factories and workshops worked, in some cases, with injustice, and a number of small trades might, with advantage, be brought within the Factory Acts. There were so many matters of importance now pressing for legislation that it was difficult for the Government to make a selection, and he feared that it would be impossible to deal with this subject in the present Session. Any measure introduced on private responsibility would receive their consideration; but, without giving any positive pledge, the Government sincerely hoped next Session to introduce a Bill.

House adjourned at half past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 24th February, 1870.

MINUTES.] — SELECT COMMITTEE—Diplomatic and Consular Service, *nominated;* Abyssinian Expedition, Mr. Holms *discharged*, Mr. Campbell *added.*

PUBLIC BILLS—*Ordered—First Reading*—Feudal and Burgage Tenures Abolition (Scotland) [48].

Second Reading — Pilotage [25]; War Office [30].

Referred to Select Committee—Pilotage [25].

REVISION OF THE STATUTES.

QUESTION.

Mr. LOCKE KING said, he wished to ask Mr. Attorney General, What progress has been made in the revision of the Statute Law, and how soon an Expurgated List of Statutes will be presented to Parliament?

The SOLICITOR GENERAL said, in reply, that the statutes down to the 10th *Geo.* III. had been already revised, and there was a Bill in preparation for the expurgation of statutes from that time to the present. The gentlemen employed upon the work had already prepared a statement showing the precise condition of every statute down to the end of last Session, and a revised edition of the statutes was now being printed.

INDIAN PENSIONS.—QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for India, Whether the Secretary of State for India will bring in a Bill, similar to Act 32 and 33 Victoria, for the commutation of the Pensions of Officers and others of Her Majesty's Indian Service, so as to place officers and others drawing pensions from the revenues of India upon the same footing with respect to the commutation of their pensions as is enjoyed by pensioners on the revenues of England?

Mr. GRANT DUFF: In reply, Sir, to my hon. and gallant Friend, I have to say that no such Bill is necessary. The Secretary of State in Council has the power to allow officers to commute their pensions, but it is not thought wise to exercise that power. To do so would inevitably increase the applications for compassionate allowances, which are already very numerous. Officers of the late Indian Navy have been allowed within certain limits to commute their pensions, but in their case the circumstances are widely different.

THE CENSUS.—QUESTION.

Mr. CANDLISH said, he would beg to ask the Secretary of State for the Home Department, What means he intends to adopt to take the Census of 1871; and if, previously to introducing any Bill on the subject, he will refer the question to a Select Committee?

Mr. BRUCE, in reply, said, it was the intention of the Government to pursue the course that was usual on such occasions—that was, within a short time to introduce a Bill for dealing with that subject. If the provisions of the Bill were not thought sufficient for the purpose, it would be open to the hon. Gentleman or any other hon. Member to move that it be referred to a Select Committee.

Mr. HADFIELD said, he wished to ask whether the system of 1861 or that of 1851 would be adopted in taking the next Census?

Mr. BRUCE said, as the Bill would be brought in before very long, the hon. Gentleman would perhaps be good enough to wait and see whether it satisfied him or not.

METROPOLIS—SOUTH KENSINGTON MUSEUM.—QUESTION.

Mr. GREGORY said, he rose to ask the Secretary to the Treasury, If he will place in the Library the Model of the Buildings of South Kensington Museum, and the Explanation of the Model?

Mr. STANSFELD, in reply, said, the model to which the hon. Gentleman referred was on a rather large scale; but if a convenient place could be found for exhibiting it in the Library there would be no objection to doing so on the part of the Treasury.

INDIA—PERSIAN GULF TELEGRAPH.

QUESTION.

Mr. GREGORY said, he wished to ask the Under Secretary of State for India, Whether he will lay before the House Copy of all Reports connected with the expenditure on the Persian Gulf Submarine Line of Telegraph, and the land line connecting it with Bombay; also of any Reports referring to expenditure, whether by way of advance or subsidy, in connection with the land line from the Persian Gulf through Persia and Turkey?

Mr. GRANT DUFF: Sir, In reply to my hon. Friend, I have to say that I cannot give him precisely what he asks for, as there is only one formal Report on the subject referred to in existence. That, however, I shall be happy to lay on the table, together with other Papers containing ample information.

LOANS FOR LAND IMPROVEMENTS.

QUESTION.

MR. J. WHITE said, he rose to ask the Secretary to the Treasury, Whether the sum of £20,579,434 9*s.* 9*d.* in No. 38, the sum of £11,405,057 15*s.* 10*d.* in No. 39, and the sum of £7,340,268 15*s.* 11*d.* in No. 40 of the Finance Accounts to the 31st of March last will together, make the total amount of advances issued from the Exchequer by way of loan for Land Improvements, &c. during the reign of Her Majesty; and, if not, from what date have those issues been made?

MR. STANSFELD said, in reply, that the hon. Member's language was somewhat vague, and he rather hesitated in replying to a Question in which the word "&c." found a place; but he might inform him that the total in those accounts included advances made prior to the present reign. If the hon. Gentleman would look at the items and the explanatory notes attached to them, he would find that they went back in the case of Ireland to the year 1800, and in the case of Great Britain to 1817.

ELEMENTARY EDUCATION—SCHOOLMASTERS.—QUESTION.

SIR PERCY BURRELL said, he wished to ask the Vice President of the Council, Whether, in pursuance of the intimation to that effect which he gave him in the course of last Session, he will make provision in the Bill on Elementary Education, with a view to prevent schoolmasters of parochial or endowed parochial schools from holding or exercising appointments or employments calculated to interfere with efficient execution of their duties as schoolmasters of the said schools?

MR. W. E. FORSTER, said, in reply, that he could not recollect having given the hon. Baronet the intimation to which he referred, and had tried to refresh his memory by looking into *Hansard*, but could not find any mention of it. With regard to the Question itself, he did not think the Government would be prepared to bring in a general provision of the nature suggested. The masters of endowed schools would be dealt with by the Commissioners acting under the Endowed Schools Act of last year, and the case of the masters of parochial schools would be left to those who paid them. If, however, the hon. Baronet would bring the matter forward when the Education Bill was in Committee it would receive his best attention.

ROADS (SCOTLAND).—QUESTION.

MR. DYCE NICOL said, he wished to ask the Lord Advocate, Whether he intends to introduce, this Session, a general Road Bill for Scotland?

THE LORD ADVOCATE: Sir, the subject to which the Question of the hon. Gentleman refers is one of increasing importance; but I doubt, having regard to the numerous important measures already promised to be introduced during the present Session, whether it would be possible to bring in a measure on this subject. Besides, I think it not improbable that by next year the opinion of the counties of Scotland will be more ripe for dealing with road improvements in Scotland than it is at present.

NAVY—DEVONPORT DOCKYARD.

QUESTION.

MR. J. D. LEWIS said, he would beg to ask the First Lord of the Admiralty, Whether his attention has been called to a statement contained in several of the daily and weekly newspapers to the effect that, on Saturday the 12th, forty-one established men were discharged from Devonport Dockyard without a day's notice, and without waiting, as has hitherto always been the practice, for the arrival of their pension papers; and whether that statement is correct?

MR. CHILDERS: In reply, Sir, to my hon. Friend, I have to say that on receiving his Notice of Question I telegraphed to Devonport for the facts, and I have since seen the Admiral Superintendent. It appears that thirty-six men, who had received ample notice of their intended discharge, but whose pension papers had not arrived, were, through some misapprehension, discharged on the 12th instant. Orders were issued to continue the pay of these men according to custom until the arrival of their pension papers, which in come cases have been received. I cannot hear of any other case, and, as I have stated, this arose through some misapprehension at Devonport.

CANADA—MASSACRE OF INDIANS.

QUESTION.

Mr. R. N. FOWLER said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether the statement made in the Canadian papers is true, that after the recent massacre of Indians in the territory of Montana, the United States troops were allowed by the British authorities to cross the frontier in pursuit of the fugitives who sought refuge there?

Mr. OTWAY said, in reply, that he was unable to give the hon. Gentleman any information upon the matter. There was no such information in the Foreign Office, and he had inquired but could obtain none from the Colonial Office.

TRADES' SOCITEIES.—QUESTION.

Mr. T. HUGHES said, he would beg to ask the Secretary of State for the Home Department, When he will be prepared to introduce the Bill promised last Session by the Government for amending the Law relating to Trades' Societies?

Mr. BRUCE said, in reply, that the Bill promised last Session for amending the Law relating to Trade Societies was in a forward state of preparation, but he was unable to fix a day for its introduction.

PROSECUTIONS FOR BRIBERY.

QUESTION.

Mr. PEMBERTON said, he wished to ask Mr. Attorney General or in his absence Mr. Solicitor General, Whether he will inform the House against what persons prosecutions have been commenced or are contemplated by the Government in reference to the Bridgwater, Beverley, or Norwich Elections?

The SOLICITOR GENERAL said, that in regard to prosecutions actually commenced, he had to reply that in the case of Beverley sufficient informations had been exhibited against two persons —Sir Henry Edwards and Mr. Burrell; and in that of Bridgwater against four —Dr. Hamilton Kinglake, Mr. Vanderbyl, Mr. Fennelly, and Mr. Lovibond. He had, however, to state with respect to Mr. Lovibond, that though those who advise the Crown in these matters were not satisfied with the decision of the Court of Queen's Bench as to the power of revision where a certificate had been refused by Election Commissioners, yet, after the strong opinion pronounced by the Queen's Bench, the Attorney General considered that, whatever might be the law of the case, the prosecution against Mr. Lovibond ought not to be proceeded with. In that view he entirely concurred, and though informations had been exhibited against Mr. Lovibond, he would not be prosecuted. In the case of Norwich the prosecutions would be against Sir Henry Stracey, Mr. Hardiment, Mr. Towne, and Mr. Pennefather.

THE LAND BILLS.—QUESTION.

Mr. GATHORNE HARDY said, he would beg to ask the First Lord of the Treasury, Whether he will introduce the measure relating to the land of the United Kingdom, to which he referred in his speech on the Irish Land Bill, before the Second Reading of that measure?

Mr. GLADSTONE, in reply, said, that he had referred to the Bill as one that would embrace the three Kingdoms, and it would be desirable if he could that he should produce the Bill before the Second Reading of the Irish Land Bill. Should it, however, not be possible to produce it before the Second Reading, he would before going into Committee on the Irish Bill bring it forward. At least he was very anxious to do so, but there was a good deal of difficulty in drawing up Bills of this complicated nature, and he hoped therefore that the House would show the Government some indulgence.

NAVY—COAST GUARD SERVICE.

QUESTION.

Mr. RODEN said, he would beg to ask the First Lord of the Admiralty, When the Returns ordered in reference to the Coast Guard Service, on the 23rd of July last, which were very voluminous, will be laid upon the Table of the House?

Mr. CHILDERS said, those Returns were in preparation, and, he hoped, would be laid on the table by the end of the month.

BRAZIL—THE "MARY HAMILTON."

QUESTION.

Mr. FINNIE said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether any and what further information has been received from Her Majesty's Minister at Rio de

Janeiro as to the trial of the crew of the "Mary Hamilton," who have been detained in prison in Rio since the 26th March 1869, and if the Government will urge upon the Brazilian authorities the necessity of their case beinginquired into without further delay?

MR. OTWAY said, in reply, that the latest information in the Foreign Office as to the trial of the crew of the *Mary Hamilton* was contained in a despatch from Mr. Mathew, received on the 18th instant, by which he learnt that the trial of the crew for the murder of the captain occurred on the 20th of December, when the men were acquitted. The Public Prosecutor, however, has appealed against that decision, and the Government was informed that a fortnight at least must elapse from the date of appeal before the case was finally decided. As regarded the latter part of the hon. Member's Question, he would say that when attention was drawn by himself and others to the prolonged imprisonment of these men, Her Majesty's Minister at Rio was instructed to remonstrate with the Brazilian Government, and to point out the extreme hardship of detaining British seamen ten months in prison without bringing them to trial. Mr. Mathew was also further instructed to employ legal aid, if it should be considered necessary, for the defence of the crew.

EPPING FOREST—QUESTION.

SIR CHARLES W. DILKE said, he would beg to ask the First Lord of the Treasury, Whether his attention has been called to a letter in "The Times" of Monday last, from Colonel Palmer, the sole surviving Verderer of Epping Forest, in which he states that if the Queen should see fit to appoint a Lord Warden, and cause a second Verderer to be elected, he would then be in a position to protect the rights of the Crown in the Forest for the benefit of the public? And, whether he is aware that the same gentleman stated, in his evidence before a Committee of the House in 1863, that Courts were actually held for the protection of the Forest up to the year 1854, "until the Commissioners of Woods and Forests and the Attorney General refused to give to such Courts the assistance and support which they had a right under the Act of Parliament to require and expect?"

MR. GLADSTONE said, in reply, that he did not contest the facts stated in the Question of his hon. Friend, but he would rather avoid discussing the matters of fact that had been suggested. It was the case that the proposition of the Verderer's Court was submitted by the Office of Woods and Forests, in 1853, to the then Attorney General, who was now the Lord Chief Justice of England, and he did not think it proper to institute proceedings on the part of the Crown. But the Government having undertaken, in accordance with the wishes of the House, to deal with the matter, they were very anxious to proceed with it, if possible, by amicable means. Under these circumstances he would rather not enter into any discussion of points of detail at that moment.

EDUCATION GRANTS TO SCHOOLS.
QUESTION.

MR. C. DALRYMPLE said, he wished to ask the Vice President of the Council, Whether in poor and populous districts, where it is reported that school accommodation is insufficient, the Government, for the sake of stimulating local efforts, will be prepared to offer grants for building on a more liberal scale than at present during the year of grace allowed to school districts under the Bill upon Elementary Education?

MR. W. E. FORSTER said, in reply, that the Question of the hon. Gentleman referred not so much to the Bill before Parliament as to the conditions upon which the public money should be given for the purposes of education. He must repeat the answer that he gave the night before last to the hon. Member for South-west Lancashire (Mr. Assheton Cross), that upon the Bill becoming law, and the Government becoming aware of the precise form in which it had passed, they would re-consider all matters in relation to grants.

NAVY—GROUNDING OF SHIPS NEAR PORT SAID.—QUESTION.

SIR STAFFORD NORTHCOTE said, that on the day before the opening of the Suez Canal two of the English ironclad squadron run upon a shoal, the existence of which was not marked in the charts supplied to them by the authorities of the port of Said, but which was marked upon charts in the possession of the French officials. It was stated, with the appearance of confidence, that the British Government had been informed of the existence of that shoal. He wished to ask the First Lord of the Admiralty, Whether he can give any explanation of the circumstances under which two of Her Majesty's Ships of War ran aground off the Egyptian coast previous to the opening of the Suez Canal?

Mr. CHILDERS: Sir, the line of coast from which the piers of Port Said run out was closely surveyed by Commander Mansell, in Her Majesty's ship *Tartarus*, in 1856, and the soundings were found to be very regular, and gradually shoaling to the shore. The *Royal Oak* and *Prince Consort* were, on the 16th of November, navigating by the chart resulting from this survey when they grounded on a mud bank one and a half miles to E.N.E. of the pier heads. This bank of soft mud, which has as little as twelve feet on it, with five fathoms a cable's length off on the outer part, has been formed from the deposition of soil dredged from the Canal, and at the time of the ships' grounding appears not to have been marked by a buoy, nor had any notice been received of its existence from the Egyptian authorities. A plan is now published, and a leading mark given for clearing it. Admiral Sir Alexander Milne was informed on the 13th of December that no blame attached to the officers of the ships on account of this accident.

CONSULAR JURISDICTION.

QUESTION.

Viscount SANDON said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Report of the International Commission upon Consular Jurisdiction lately sitting at Cairo is in the hands of Her Majesty's Government; and, if so, if it is his intention to lay it upon the Table of the House, with any other Papers relating to the subject?

Mr. OTWAY, in reply, said, it was the intention of the Government to lay on the table the Report and some other Papers relating to the proceedings of the Commission; but owing to the mass of documents being printed in the Foreign Office, it would be some time before they could be distributed unless his noble Friend thought fit to move that they be printed by order of the House.

Sir Stafford Northcote

INDIAN CIVIL SERVICE.

QUESTION.

Mr. CRAWFORD said, he wished to ask the Under Secretary of State for India, Whether any final decision has been arrived at with reference to the number of appointments in the Indian Civil Service, which are to be competed for at the approaching examination?

Mr. GRANT DUFF said, in reply, that it had been decided that day that the number of appointments in the Indian Civil Service to be competed for at the approaching examination should be forty.

PILOTAGE BILL.—[Bill 25.]

(*Mr. Bright, Mr. Shaw-Lefevre, Mr. Stansfeld.*)

SECOND READING.

Order for Second Reading read.

Mr. SHAW-LEFEVRE, in moving that the Bill be now read a second time, said that, in answer to the appeals made to him from various seaport towns, he had agreed, after the Bill had passed the present stage, to refer it to a Select Committee. He had some time ago decided to refer the compensation clauses to a Select Committee; but, on looking closer into the matter, he found it was difficult to separate those clauses from the other provisions of the Bill. He, therefore, upon further consideration, thought it better to refer the whole Bill to a Select Committe.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Shaw-Lefevre.*)

Mr. GOURLEY said, he was sorry to hear that the Bill was to be referred to a Select Committee. The pilotage question had already been, in his opinion, sufficiently considered, and the propriety of abolishing compulsory pilotage was universally admitted.

Mr. GRAVES said, he begged to thank the Under Secretary for the Board of Trade for the course he had decided to take. Looking to the large questions involved—questions much larger than hon. Members, without practical acquaintance with the subject, had any conception of—he thought the hon. Gentleman had come to a very wise decision on the matter. So far from coinciding in opinion with the hon. Member for Sunderland (Mr. Gourley), he (Mr.

Graves) thought that the question involved was much larger than a mere question of pilotage. He spoke not only for the pilots of Liverpool, but for the whole commercial interests of that important port. He was prepared with facts to satisfy the House that this Bill ought to be referred to a Select Committee. He had received communications from the Chairmen of the Liverpool Dock Board, the Underwriters' Association, and the Mercantile Marine Association, and from at least half-a-dozen of the most eminent shipowners of Liverpool, in favour of referring the Bill to a Select Committee, and stating that they had not had time fully to consider all the important details of the measure, much less to decide between the principle of voluntary and compulsory pilotage. He believed the course taken by the Government would in the end lead to a more rapid settlement of the question than if the Bill were left to be discussed in the House itself.

MR. JESSEL, on behalf of the pilots of Dover, thanked the Government for referring the Bill to a Select Committee, and hoped they would deal liberally with the compensation clauses. Everyone who considered the present state of the law, which protected shipowners from the consequences of collision when a licensed pilot was on board, must be convinced that it required some alteration.

MR. CANDLISH said, he regretted that the Government had consented to refer the principle of their own Bill to a Select Committee. He believed, however, that the Bill would come out of the Select Committee with the principle unimpaired, that shipowners should be free to engage such servants as they preferred to do their work.

MR. T. E. SMITH said, that, however great might be the gratitude of Liverpool and Dover, he felt certain that the other portions of the kingdom would hear with disappointment that the Bill was to be referred to a Select Committee. There was no burden which the shipowners were so anxious to remove as that of compulsory pilotage.

MAJOR DICKSON said, that his constituents had long been in a state of uncertainty on this subject, and were most anxious that the question should be settled this Session. The pilots were naturally desirous that in the settlement of the matter vested interests should be fairly considered. He thanked the Government for referring the Bill to a Select Committee.

THE CHANCELLOR OF THE EXCHEQUER: I cannot agree with the hon. Member for Sunderland (Mr. Candlish) that the House in sending this Bill to a Select Committee is referring the principle of the Bill to that Committee. We ask the House to read the Bill a second time, and thereby to affirm its principle, and then we propose to refer its details to a Select Committee. Nor can I agree that it would have been right to pick out the financial clauses and to send them alone to a Select Committee. Any one who considers our Parliamentary practice will see that such a proceeding as that of separating the financial clauses from the rest of the Bill would be trenching on those duties which should only be exercised upon the responsibility of the Executive Government. It would lead to the establishment of an inconvenient precedent, and possibly to great and reckless expenditure. I think it much better that the whole Bill should go to a Select Committee than to pick out a particular point and make that the subject of investigation.

MR. CRAWFORD said, he had received a communication from the Chairman of the Shipowners' Society of London, authorizing him to state that they were perfectly satisfied with the principle of the Bill, and saw no necessity for referring the details to a Select Committee. As, however, the general opinion of the House seemed to be in favour of the Select Committee, he should not oppose the proposal of the Government.

MR. GRIEVE, on behalf of a considerable shipping port, begged to express his general approval of the Bill before the House, more particularly as Clause 3 of the Bill still provided for efficient pilotage, and effectually shut out a body of men called "hobblers" who usually prowled about pilotage waters. From the port of Greenock seaward there was at present no compulsory pilotage; but between the port of Greenock and Glasgow, a narrow river of twenty-three miles long, compulsory pilotage does exist, and he was not prepared to say it should be done away with. He had received from a number of the chief pilots on the river Clyde, between Greenock and Glasgow, a remonstrance against the Bill, and he was not sorry that it was to be referred to a Committee upstairs, when all interests, both vested and otherwise, would be duly heard and considered.

MR. STEPHEN CAVE said, he thought that the Government had done wisely to refer the whole Bill to a Select Committee. There were two points in the Bill which the Select Committee would have to consider — one the question of pilots, and the other of shipowners. As ten years had elapsed since the question had been considered by a Select Committee, and as that Committee had pronounced its opinion with rather a faltering voice, a great deal of dissatisfaction would have been felt by the pilots generally if the measure were passed over too rapidly by the House. By referring the Bill to a Select Committee the time that must necessarily elapse before communication could be held with the pilots, many of whom were at sea, would be gained, and the dissatisfaction that would be certain to arise if the matter were disposed of too hastily and without due investigation would be avoided. There appeared to be a wide difference of opinion among the different ports upon the question of the abolition of compulsory pilotage. In many ports, no doubt, compulsory pilotage might be abolished at once, while in others it was stated, upon authority which could not be lightly passed over, that the adoption of such a course would be exceedingly dangerous to the shipping interest. It was evident the question was not one that could be fully discussed in that House, it being one of detail, and therefore more fitted for discussion before a Committee. The hon. Member opposite (Mr. T. E. Smith) treated the subject as though no middle course could be adopted; because it was quite impossible to do away with what was the greatest abuse of compulsory pilotage that—namely, of the owner throwing the responsibility in all questions of damages upon the pilot—he seemed to think that either there must be an abolition of compulsory pilotage or that that rule should be kept up. But he begged to remind the hon. Member that under this Bill there was the same compulsion upon the owner of a ship to take a man who was not his own servant. It might be said that it was not right or fair, and that it was contrary to law, that when you obliged a shipowner to take a man who was not his own choice he should be held responsible for his acts. But they would do so by this Bill as it stood, because if the owner took a pilot at all, he must take one from among a certain number, and, therefore, notwithstanding the limited number from which he could select, he was still responsible for the acts of a man who was not his own servant and over whom he had no control. Even the Secretary to the Board of Trade had some doubts whether the future profits of pilots would not be lessened by the Bill, and the case that was mentioned, that of the Bristol Channel, evidently admitted of another explanation. These were questions that might well be considered. He had no wish to obstruct the progress of the Bill, having, on the contrary, every desire to facilitate its passing. The course adopted by the Government would have the effect of giving time and of preventing dissatisfaction.

MR. RATHBONE said, he thought the Government had done right in referring this subject for further consideration. The hon. Member for Sunderland thought he understood the interests of the shipowners; but, in his opinion, the shipowners of Liverpool themselves were the best judges of matters that concerned them. In Sunderland a pilot standing on the quay might see a vessel in the distance and might go out to her in a small boat and bring her in without difficulty; but in Liverpool the pilots had to thread their way among twelve miles of sandbanks to do the like duty. Under these circumstances, it was not to be wondered at that differences of opinion on the subject of compulsory pilotage should exist at different ports. It would be desirable before any steps were taken in the matter that there should be further investigation.

MR. MAGNIAC, on behalf of the port which he had the honour to represent (St. Ives), expressed his pleasure that the Bill had been referred to a Select Committee. The more the subject of compulsory pilotage was ventilated, the sooner we should come to free trade in pilotage. The Bill provided that a shipowner might select his own pilot, and he believed that by the time the Education Bill now before the House had had its due effect, there would be an ample supply of duly-qualified pilots to pilot ships to any port in England.

SIR CHARLES WINGFIELD remarked that in respect to pilotage between London and Gravesend there were 300 pilots employed, but the Trinity House did not license more than seventy-five, and therefore the bulk of the work was done by the unlicensed men and watermen of the Thames. The Trinity House was not likely to increase that number, particularly as the 6th clause of the Bill gave them no inducement to do so. The case of the pilotage of the Thames was a special one, and he hoped the Select Committee would bear that fact in mind. The free watermen and unlicensed pilots who had served a long course of apprenticeship under their masters were in the habit of piloting vessels up and down the Thames, and possessed a more intimate knowledge of the river than the licensed pilot, and an hon. Member, a shipowner, had assured him that between London and Gravesend he employed for that reason an unlicensed as well as a licensed pilot. This Bill would place those free watermen and unlicensed pilots in a worse position than that in which they were at present by increasing the monopoly of the licensed pilots.

MR. KNATCHBULL-HUGESSEN said, that he hoped the House would not be led into a discussion upon those different points and details in the Bill which would certainly come under the consideration of the Select Committee. If the Government were to blame for consenting to this Committee, he was anxious to share their responsibility to the fullest possible extent, since he had given his opinion, most earnestly and emphatically, that this was the fair and just course to pursue. What he understood by referring a Bill to a Select Committee after its second reading was this — that whilst the House conceded the principle of the Bill, it left it to the Committee to inquire in what manner that principle should be applied—whether its application should be universal or only partial, and how it could be applied so as to avoid hardship or injustice to any persons who would be affected by it. As reference had been made to the Report of the Select Committee upon Merchant Shipping in 1860, he wished to point out what that Committee had actually said. It had certainly reported that a system of voluntary pilotage might safely be established in most parts of the Empire; but it had evidently had in view a system under which, as was also stated in the Report, the regulations and limitations which were imposed upon the pilots at present should be removed. This question would naturally come before the Committee, who would have to consider whether, in making the proposed change, vexatious restrictions might be got rid of, any subjects of complaint on the part of the pilots removed, and a continued supply of competent pilots secured. Herein lay the only justification of compulsory pilotage—that it secured a competent and efficient body of men. As you paid a policeman in quiet as well as disturbed times, in order that you might have him ready to hand whenever he was wanted, so the shipowners had been called upon to pay for pilots in fine weather, so that fit and proper persons might be forthcoming when the weather was foul and the coast dangerous. He could only say, as representing a large body of licensed pilots, that they feared no inquiry. They were a useful body of public servants; and if it seemed good to Parliament to introduce legislative changes which might materially affect their position, and the occupation upon which they had entered after a special education and upon certain terms, they only asked that such changes might not be adopted without that full and fair inquiry into all the circumstances of their case which they thought they had a just right to demand at the hands of Parliament.

Motion *agreed to.*

Bill read a second time.

On Motion "That the Bill be referred to a Select Committee,"

MR. GRAVES remarked that he had assented to the second reading of the Bill on the understanding that the whole subject was to be referred to a Select Committee, who should have power to take evidence, and not on the undertanding that the principle of the Bill should be taken as accepted.

MR. SHAW-LEFEVRE said, the only understanding of which he was aware was that the Bill should be read a second time and then be referred to a Select Committee.

MR. GRAVES: And with power to the Committee to take evidence?

Mr. SHAW-LEFEVRE: Yes; but not to hear counsel.

Motion *agreed to.*

Bill *committed* to a Select Committee.

And, on March 9, Committee *nominated* as follows:—Mr. Childers, Mr. Graves, Mr. Stevenson, Mr. Cave, Mr. Norwood, Sir Henry Selwin-Ibbetson, Mr. Grieve, Mr. Pemberton, Sir Charles Wingfield, Mr. Charles Turner, Mr. Philip Wykeham Martin, Mr. John Stewart Hardy, Mr. Thomas Brassey, Mr. Malcolm, Mr. William Philip Price, Sir John Hay, Mr. Gourley, Colonel Bourne, and Mr. Shaw-Lefevre:—Power to send for persons, papers, and records; Five to be the quorum.

WAR OFFICE BILL—[Bill 30.]

(*Mr. Cardwell, Captain Vivian*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time.—(*Mr. Cardwell.*)

Sir JOHN PAKINGTON: I do not rise to offer any opposition to the second reading of this Bill, but to ask the right hon. Gentleman to explain the position and duties of the two new officers he proposes to create, seeing they are to be called by the names that existed in former times—namely, Clerk of the Ordnance and Financial Secretary, and whether he intends that the latter officer shall represent in this House the position which former Secretaries of War held, that of Financial Secretary. It is desirable that the exact duties which these two officers have to perform should be fully stated to the House, and how far they will interfere with or alter the functions and position of the Secretary of State for War. Another point upon which information would be acceptable is whether, in the event of the Secretary for War having a seat in the other House of Parliament, the Under Secretary would sit in this House, and who in that case would represent the War Department here—the Under Secretary or one of the newly-appointed officials? I quite recognize the necessity of giving assistance to the Secretary of State, but we should be better able to judge as to the expediency of the arrangement proposed if my right hon. Friend would give us some further and more precise information as to the functions of the several officers.

Mr. CARDWELL: I am much obliged to my right hon. Friend for the very candid manner in which he receives the Bill, and I am most anxious to afford him and the House all the information in my power in addition to what I stated the other evening. In the first place, with regard to the number of officers of the War Department qualified to sit in this House, I may state that a Return moved for by the right hon. Member for Devonshire (Sir Stafford Northcote) shows that of late years there has been a considerable, or, at least, some diminution in the number of Members of the Government, as a whole, who can sit in the House; and, as regards the War Department, there has been a signal diminution, for, as I stated the other night, the War Department was represented in this House when I first entered Parliament by the Colonial Secretary, the late Lord Derby, Lord Hardinge, and an Under Secretary; General Peel and Colonel Boldero representing the Board of Ordnance; the Militia was under the control of the Home Office; the Commissariat was in the hands of the Treasury, and there were no Volunteers. I do not propose to return to the Parliamentary strength of the Department in former times; but it is very important to divide the business of the War Department under three heads, the chief of which should be the military, for which, of course, the Secrecretary of State for War will be particularly responsible, and which will be represented in the House in which he does not sit by the Parliamentary Under Secretary, whose position I do not at all intend by this Bill in any way to diminish or impair. In all probability, in the majority of cases the Secretary of State will sit in the House of Commons, considering what great public expenditure the War Office is responsible for. There is no intention on our part to diminish in the slightest degree the responsibility of the Secretary of State; our desire is to divide only the labour of superintendence. We wish to combine division of labour with unity of responsibility. It is absolutely impossible for anybody to be in the full sense of the word responsible for such a Department unless he has responsible assistants to carry on the business for which he is reponsible; and I think that when the organization of the War Department was reduced to the appointment of a single Secretary of State and Parliamentary Under Secretary, the principle of consolidation was carried further than good sense required. This House cannot have proper control over the War Department when the Secretary of State stands by himself, and there is no one to represent the great manufacturing departments, and none to assist him in finance. In former times the Secretary at War had great responsibilities, and was not unfrequently a Member of the Cabinet. I have not sought to create an appointment of that importance, because I have not the smallest desire to relieve myself of any of the responsibility which ought to belong to the Secretary of State; but any one acquainted with the work of the War Office must be perfectly aware that financial details should be controlled immediately by a Parliamentary officer, because proper attention cannot be given to the multifarious financial details by one having to control the whole policy of the War Department. Taking these points into consideration, I desire to appoint a Clerk of the Ordnance, and I have chosen the title "Clerk of the Ordnance" in preference to "Surveyor," because I think it more indicative of the financial character of the work he would undertake. He would be directly responsible for the preparation of the Estimates of this great Department, and he would combine in his own person the responsibilities and duties that formerly devolved upon the Surveyor General and the Clerk of the Ordnance, except that they had a more independent character in their relation to the Secretary of State.

SIR JOHN PAKINGTON: As I understand it, he would have the control of the manufacturing departments.

MR. CARDWELL: He would be regarded within the office as head, under the Secretary of State, of the manufacturing departments. Then with regard to the financial officer, I propose that he should assist the Secretary of State in that complete and minute control of the financial arrangement of the office which I believe it is the pleasure of Parliament that the Secretary of State should exercise, and I trust it will be also the pleasure of Parliament that he should have assistance to enable him to execute it satisfactorily. With regard to the details of the duties of this officer I may mention that he would review all the Estimates as the assistant of the Secretary of State, that every proposed change in those Estimates would be brought by him under the notice of the Secretary of State; that every proposed change in establishment, in regulation, or warrants affecting in any way the expenditure of the Department would be within his province, together with all questions of allowance; and that, in fact, he would be in all respects the responsible financial official under the Secretary of State.

SIR JOHN PAKINGTON: I presume the Control Department would be under the Clerk of the Ordnance.

MR. CARDWELL: The Clerk of the Ordnance would be the superintendent of everything that is now under the Controller-in-Chief, and I should hope in a short time that the office of Controller-in-Chief would be only temporary as a separate office.

MR. WHITE said, it was obvious that the consolidation of the War Department had been carried too far, for whereas before we had a Secretary of State for War the normal expenditure on account of the Army did not exceed some £9,000,000 or £10,000,000 it had increased some 50 per cent of late. Now, when the Consolidation Act of 1863 was passed he deemed it expedient, considering the confusion which had arisen in consequence of the authority being so much divided, that the responsibility in regard to the whole of the Department should be centred in some one person. He confessed, however, that he then entertained great doubts as to whether the responsible official ought, *ex officio*, to be a member of the Cabinet. In former times the Master of the Ordnance and the Secretary at War were sometimes members of the Cabinet; but, in his judgment, it was not, as a rule, desirable that the Secretary who administered the military affairs of this country should be one of Her Majesty's principal Secretaries of State. If he were made more dependent than at present on the Chancellor of the Exchequer there would not be so much reckless expenditure. It would not be desirable to revert to the old system in its entirety, but when the War Department was reconstituted he should be pleased to see the great talents of the right hon. Gentleman transferred to some position which he might adorn without any loss of rank, and that we should revert to that rule of the old system whereby the War Secretary was not, by virtue of his office, a member of the Cabinet.

Mr. HUNT rose to elicit a further explanation with regard to the Clerk of the Ordnance. From the right hon. Gentleman's last answer to his right hon. Friend near him he was led to look forward to a time, and at no distant date, when the office of Controller-in-Chief would be merged in that of Clerk of the Ordnance. Now, when the office of Controller-in-Chief was instituted it was intended that he should be a permanent officer, and not go out with the Government. If, however, the office were to be merged in that of the Clerk of the Ordnance, who was to have a seat in Parliament, he would change with the Government. He therefore wished to ask the right hon. Gentleman whether it was intended that there should be in the War Office a permanent officer subordinate to the Clerk of the Ordnance.

Mr. CARDWELL, in reply, said, he anticipated that when the Control system was completed—and he was looking forward to that—it would in all probability be unnecessary to retain both the offices of Controller-in-Chief and Clerk of the Ordnance. If two permanent officers were appointed—one for supply and transport, and the other for munitions and stores—there would, he thought, be a better discharge of duties. This, however, was a matter which did not form part of the present Bill.

Mr. HERMON said, he hoped the right hon. Gentleman would state what the salaries of these new officers would be. The 5th clause of the Bill left that matter wholly undecided; but he thought the House ought to have some control over the amount of emolument to be given to the officers.

Colonel BARTTELOT said, he thought the question respecting the salaries to be given to these gentlemen was comparatively unimportant, because if these extra appointments were made it might be fairly expected that there would be a more economical management of the War Department. Up to the present time economy had not been sufficiently attended to, many things having been done on a most extravagant scale. Merely as an ousider, he thought he might say, without any reflection on his right hon. Friend, that, looking at the Estimates, economy had been carried out much more satisfactorily in the Navy than in the Army. In the Army, there had been a mere cutting down of the number of men, whereas, in the Navy, it appeared to him that many gross anomalies and excrescences had been cut off. In future, he hoped we might look forward to a more satisfactory Return respecting Army expenditure. He was going to put upon the Paper a Notice to the effect that he should, on Monday next, ask the right hon. Gentleman whether he would lay upon the table of the House a tabular statement of the sums expended for experimental trials of ordnance during the last ten years, and a similar Return as to small arms; also a Return of the sums paid to inventors by way of reward during the same period. This subject, which would henceforward come under the notice of the Clerk of Ordnance, was one with which the country was not at all satisfied, and he trusted that in future the accounts with regard to it would be better kept, and that the expenditure would be less.

Mr. MUNDELLA said, he did not rise for the purpose of opposing the Bill, or of denying that there was a necessity for the proposed changes. But if he understood the matter rightly, the new Clerk of the Ordnance would have the control of the largest manufacturing and the largest purchasing department in the world. The question therefore was, not what salary he should receive, but whether he would be a fit man to discharge the duties of the office. A military officer, however gallant and skilled in his profession he might be, could not be expected to watch over and control efficiently the large purchases made by the War Department, any more than he could be expected to manage one of the large manufacturing concerns in the North of England or the City of London. There was no Department of Her Majesty's service so badly and unsatisfactorily managed as the Department of the Ordnance. No doubt all the civil servants who were under the right hon. Gentleman were honourable men. He (Mr. Mundella) would not suppose for a moment that there could be any persons in that Department who could be suspected of any practices such as had been found in the Navy, though, at the same time, he did not know why human nature should be different in the Departments connected with the Army from what they were in the Navy. It was a popular belief that there was gross mismanagement and gross bungling in that Department, and no manufacturer could be satisfied with what went on. He had had abundance of proof of it again and again. And however active the right hon. Gentleman might be it was impossible for him to superintend it, control it, and keep it in subjection to him, for he would be deceived under his very eyes, because he did not possess the necessary knowledge to keep it under proper control. In regard to purchasing supplies for the British Army, it was a question far more of getting the right man than of the salary that was given him. If they succeeded in getting the right man, though they paid him ten times the amount the House would be willing to give, they would save a hundred times what he was paid, while the service would be much more efficient than at present.

Lord ELCHO said, he thought the object aimed at by his right hon. Friend in the appointment of these two officers was a division of labour accompanied by unity of responsibility; but if the position of these officers was to be considered as in any way equivalent to the independent position formerly held by the Clerk of the Ordnance and the Secretary of State for War, the House ought to proceed with great caution, or we might drift back into the divided responsibility which existed at that time. He presumed that the object of the House in sanctioning a Bill of this kind was to provide that the Secretary of State for War should have undivided responsibility, and also that he should have assistance such as was necessary and desirable, and such as was given by the different officers who under the old system occupied seats in the House. Supposing, however, that these new officers were appointed, and an hon. Member wished to ask a question concerning artillery, small arms, camp duty, or a matter of finance, to whom was he to address it? For his own part, he should be disposed in such a case not to address his question either to the Clerk of the Ordnance or the Financial Secretary, but directly to the Secretary of State for War. As the House was aware, questions relating to the Admiralty were addressed not to the Secretary to the Admiralty nor to the First Sea Lord, but were put direct to the First Lord. If, therefore, the practice grew up of asking questions of the Financial Secretary and of the Clerk of the Ordnance he feared something like divided responsibility would exist, and the object of this measure be to a great extent defeated. Then, with regard to the Clerk of the Ordnance, why should he be so called? The former officer was so designated because he really was Clerk of the Ordnance, at that time a separate Department, for which he annually moved the Estimate. He apprehended, however, that after this Bill passed the Secretary of State for War would continue to move the Estimates, although in passing them through the House he would, of course, have the assistance of the two new officers.

Mr. STANSFELD, in reply to a question which had been asked, stated that in the organization proposed there would be a complete subordination of the two new offices to the Secretary of State. The salaries under the Bill, he added, were to be £1,500 a year; but if the Controller were also Clerk of the Ordnance, he would have a professional salary of £2,000 a year. An hon. and gallant Gentleman (Colonel Barttelot) had expressed an opinion to the effect that the organization and economies of the Admiralty were more satisfactory than those which had as yet been accomplished by the War Department, and his right hon. Friend was not disposed to question for a moment the accuracy of that statement, but the answer to it was that the First Lord of the Admiralty entered upon the duties of his office, not only familiar, as he was by previous experience, with all questions of Admiralty organization, but surrounded by Colleagues who were entirely at one with him, and able to carry out his views. Now, the Secretary of War came and asked hon. Members to provide him, too, with Colleagues, in order to place him in a position to carry out those reforms which had been effected in the sister service with so much success. He might further observe that, pending the decision of the House on the matter, his right hon. Friend had not failed to consider very closely the question of War Office organization even in its details, and had submitted the subject to the investigation of a Committee, of which he himself had the honour to be a Member. The points which had been submitted to them that Committee had considered with great care and labour for several months, and their Reports had been presented to his right hon. Friend, and when they were made public they would, he trusted, be found to be satisfactory.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

FEUDAL AND BURGAGE TENURES ABOLITION (SCOTLAND) BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE, in moving for leave to bring in a Bill to abolish Feudal and Burgage Tenure, and to amend the Law relating to Land Rights in Scotland, stated, in the first place, the objects he had in view in the introduction of the Bill; and, in the second place, the nature of the Bill by which he proposed to accomplish those objects. The question had often been asked how it happened that the title of property in land could not stand upon as simple a footing as any other subjects of property; and why it might not be as simply transferred from one proprietor to the other? The title to a ship was exceedingly simple. It was easily transferred; but notwithstanding its simplicity and the easiness of transfer, it was perfectly secure, the bill of lading being a good title to as large a cargo as a ship could carry. A delivery order transferred to the holder the entire of the merchandise, however great that might be. Its possession was a good title to pictures, jewels, and other property, however valuable—a good title against everyone who might say that he was the rightful owner, and that the possession of a delivery order had been obtained in some improper way. But when they took land, however small in quantity and worthless in quality, or anything that was built on it, be it a cottage or any other form of building, conveyances intervened, and required a complicated and intricate system of titles. He was free to confess that he had never heard, and he found it impossible to discover, any satisfactory reason why, in this matter, the title to land should be so different from that to all other subjects of property. In saying so, he was not blind to the consideration which had been urged in support of our existing highly artificial system, and which would tend to make it still more artificial and complicated than it was now. It was urged with perfect truth that land was more enduring and more permanent than any other subject of property; with equal truth it was said that it was not capable of the same kind of possession as movable subjects; but he failed himself to see the cogency of these considerations as a defence to the existing system of land right. He was well aware that land was naturally and necessarily the subject of settlements and provisions altogether different from those which could be made with respect to any other property. But upon the question as to what might be conceived as reasonable and plain evidence of proprietary right—the consideration of how the proprietor might deal with the property when he had no legitimate bearing—there was no other subject of property with respect to which more complicated settlements were made than money, and yet, with respect to title nothing could be more simple. There was one view of any system of land rights, short but at the same time comprehensive and undeniably true, which was sometimes lost sight of in considering this subject; it was this, that any system of land right which could prevail, was neither more nor less than a system of evidence. And perhaps the only useful system of titles was to ascertain with reasonable certainty, in the first place, who was the proprietor of any estate; and, in the second place, what rights, otherwise than those of the proprietor, existed upon it, and in whose favour; and a system was satisfactory, or the reverse, according as it required reasonably some evidence of safety, and required no more. He would not dwell further on this subject, but proceed to consider what was the state with regard to land rights at the present time in Scotland. The systems of land rights in England and Scotland, he need hardly say to those who were at all acquainted with the laws of those countries, were originally the same; and although they had come to differ in the course of centuries, they still bore, as strongly as possible, a family likeness, showing a common origin. They were both based on the feudal system of tenure. That system still greatly influenced, and he thought he might say embarrassed, the conveyancing of both countries. In both countries, also, the feudal system, he need hardly say, had ceased to have any reality, and continued to exist only as a mischievous phantom—mischievous because of its influence on the conveyancing of both countries. It would be quite superfluous, and an unnecessary waste of time, were he to attempt any exposition of what the feudal system really was. Such knowledge as was sufficient for the present purpose was possessed by anyone who had read, even cursorily, modern history. All land in Scotland was held by the real substantial owner as a vassal and under some superior or over-lord. The substantial proprietor was a vassal, the superior had no real estate, although he continued to have a formal title in the land, his only substantial interest consisting in certain payments, which, according to the original feu right, might be made in his favour, and certain annual payments called feu duties, and certain casual payments on certain occasions called casualties, beyond which he had no substantial interest in the land at all. Conveyancing was entirely based upon the system of maintaining that relation between superior and vassal, one of the consequences of which was that, whenever the substantial proprietor of an estate died, his heir was required to make out a title under the superior, and being admitted as vassal in the room of his deceased ancestor. A great deal had been done of late years to mitigate the evils of this feudal system. Much was done by many of his predecessors in the office which he now unworthily held, among others by the late Lord Rutherford, by the present Lord Colonsay, by his immediate predecessor (Mr. Moncreiff), and also by the Lord Advocate under the administration of the late Government, who introduced a statute which consolidated many of the previous statutes relating to land rights, and in introducing altogether new though substantial and valuable improvements. But the time had come for abolishing this phantom, for enacting, by the authority of Parliament, that the feudal system of tenure should altogether cease to exist. He had given to the subject his most anxious attention with a view of simplifying, strengthening, and, at the same time, reducing the expense of titles to land without interfering with real substantial interests now existing. He might state the object which he had in view in preparing the Bill which he was now asking leave to introduce, had been, in the first place, as he had stated, not merely to reduce the expense of titles by simplifying them, but, at the same time, and through the medium of the same simplification, strengthening and securing the title, for it had always appeared to him that by extending the surface by multiplying the deeds you extend and multiply the risks of error. One of his objects in preparing the Bill had been to invest the heir with his ancestor's estates, so that if he died without having made up any title, the estate should nevertheless pass, which it did not now. According to feudal rules, if any heir, after the succession to his ancestor's estate, should die without having made up his title, and become vassal in the room of his ancestor, he was dropped out of the feudal chain altogether; and the next heir, not to him, but to the last entered vassal, was entitled to take up the estate, and to take it up without even any liability for the debts of the heir so dying with his title not made up. This was considered so unjust, so hard upon the creditors, that an Act was introduced a long time ago and passed, giving relief in this way, that where an heir died so possessed, and without having made up his title for a period of three years, then the heir succeeding should be bound to pay his debts but not otherwise. It was one of the objects of this Bill to give a complete relief and remedy in this matter by investing the heir with his ancestor's estate immediately on his succession, and making him substantially the proprietor, notwithstanding that he should die without having gone through the formality of making up his title, so that the estate, upon his death, should pass according to the deed, or failing any other provision should go to his heirs, and be liable for his debts. The third object in view was to repeal the law which was all but universally condemned—the law which distinguished in this matter between heritable and movable estate, and which disabled the proprietor of land from making a settlement of heritable property after he became ill of the decease of which he ultimately died. According to the present law, in England as well as Scotland, a man might make a settlement of his personal or movable estate up to his last moment of existence; although he might have money or other personal property to any amount, any deed in reference to his heritable property, however insignificant in value, was reducible, and in practice, indeed, was frequently reduced, if it be proved that at the time he made the deed he had contracted the illness which ultimately proved fatal to him, unless he should survive the execution of the deed by sixty days, or in the interval between those times had gone to church or market. He felt justified in saying that that law was all but universally condemned, and he would abolish it altogether by the Bill. Another purpose he had in view was to remove a variety of legal objections in the preparation of deeds of settlements. In many cases within his own knowledge and experience these things had operated very harshly and unjustly. For example, the law required, in order to the formal execution of a deed, that that deed should bear in a certain clause the number of pages of which it consisted, and should contain the name and designation of the writer of the deed, as well as the names and designations of the witnesses in whose presence it was made. He had known a deed of great importance set aside because of an error in stating the number of pages. Deeds had been frequently reduced because of an omission to insert the designation of the clerk who wrote them; or some omissions or inaccuracies with respect to the designation of the witnesses who attested. Frequently the genuineness of the deed had been proved in the most satisfactory manner, in order to establish the omission of some formality, as at the time of making the deed one of the persons present as a witness was in another room. There they had the very strongest evidence that the deed was genuine; but the deed was set aside as informal, because one of the witnesses at the time it was making happened to be out of the room. He proposed in the Bill to remove all these objections, but allowing the law to stand substantially as it is with respect to the requirements made in order to constitute a deed of probity. In case any of these formal requirements had been overlooked or unguardedly attended to, it would be provided that the same proof of the genuinness of the deed should be proof upon the party using or opposing it. Another purpose was to shorten the period of prescription, after the lapse of which deeds should be unchallengable except only on the head of fraud. He thought he had now stated all the purposes—certainly all the leading purposes—which he had had in view in the preparation of the Bill which he now asked leave to introduce to the House. He had, at the outset, abolished feudal tenure absolutely, and the relation of superiors and vassals. The difficulty he had in dealing out justice to all parties was to make it clear that those who at present stand in the relation of superiors should not be deprived of their rights. These rights subsisted in the receipt of a certain annual sum, and also the right to certain casualties of uncertain occurrence which were payable on the transition of an estate to the single successors. The Bill contained a provision for abolishing burgage tenure, with respect to which it was unnecessary to say more than this—that it was a peculiar tenure which held only within Royal Burghs. It was not more intricate—it was rather more simple—than feudal tenure elsewhere; and he proposed to abolish it only because it was unnecessary and of no advantage whatever that any distinction should exist in regard to title to land within burghs and without burghs; on the contrary, it was convenient and desirable to have the same system of title in both. The Bill contained provisions for dividing any feu duties, or other money returns payable by the proprietor of land in respect of property upon the acquisition of the land, by splitting it into different parcels for building or other purposes, allocating the payment of the whole upon the different proprietors of the parcels. In that way the superior, or whoever was entitled to the returns, would be perfectly secure. The Bill also contained provisions enabling superiors or others entitled to annual returns out of land to sell their rights as proprietors, and that notwithstanding any restrictions in the title. The Bill also contained certain short forms of conveyances and securities, all their common incidents being matter of enactment, without the necessity of expressing them in words at length; so that such simple conveyances and securities as these provisions had in contemplation might be made with the utmost facility and certainty even in printed, or partly printed and partly written forms. The Bill would contain a clause shortening the period of prescription, after the lapse of which a title might be considered secure from challenge. So long ago as 1617 an Act of the Scottish Parliament was passed rendering proprietors secure in their possession after they and their predecessors had possessed continuously upon an *ex facie* valid title for the period of forty years. The circumstances of the country were, indeed, very different now from what they were in 1617; and it was a question very well deserving consideration whether that long period, which it was quite reasonable to require then should elapse before the challenge of a title was altogether excluded, should continue now. Possession was now infinitely more open, better known, more notorious in every way than it could be 200 years ago. Not only was the system of registration more complete, but we had local registers in every county. There was a Valuation Roll in which not only was there a record of every proprietor and tenant, but of the annual value of their possession. There could, therefore, be no dubiety as to who was in possession of land as proprietor; if it was not in his own natural occupation, it was just as well known who was in receipt of rent drawn from the tenant; and if a title was *ex facie* valid, and possession had followed upon it for a period far short of forty years, that possession being not only open, but matter of record and notoriety, it humbly appeared to him that the period which should be required to elapse before all challenge of that possession was excluded might be with perfect safety very much shortened. In the case of a *bonâ fide* purchaser for a fair price, who got, in return for his money, *ex facie* a valid title upon which he was allowed to possess continuously and uninterruptedly, he should say for a period of seven years—although the period was open to consideration and discussion—his property ought not to be any longer open to question on the ground of any defect of title. Of course, this did not interfere with the existing law, which deducted from the period of prescription the minorities of those who were in the right of challenge; nor did it interfere with the existing law in this other respect, that prescription did not run against falsehood or fraud. But if there was perfect good faith in the acquisition, and if possession continued without challenge for seven years, it did appear to him that thereafter the title ought to be considered secured. These were the main provisions of the Bill, with a view to simplify land rights in Scotland, which he now asked leave to introduce.

Motion *agreed to.*

Bill to abolish Feudal and Burgage Tenure, and to amend the Law relating to Land Rights in Scotland, *ordered* to be brought in by The LORD ADVOCATE and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 48.]

DIPLOMATIC AND CONSULAR SERVICES.

APPOINTMENT OF SELECT COMMITTEE.

MR. OTWAY *moved* the appointment of the Select Committee on Diplomatic and Consular Services.

COLONEL FRENCH took exception to the constitution of the Committee. Of the twenty-one Members of which it was composed, eleven, according to the usual practice in such matters, were chosen by the Government, and ten from among the Members of the Opposition. Upon the personal qualifications of any of the Members named, he had not a word to offer; but it was remarkable that the Committee did not include a single Irish Member. There ought, in these matters, to be some rule by which a due proportion of Members from each of the three kingdoms should be appointed upon important national Committees. In the present case he suggested that the list should be so arranged as to include a direct representation of Ireland; and one name he would venture to mention which the House, he thought, would recognize the expediency of placing upon the list. The hon. Member for Galway, from the advantages he possessed and the opportunities he had enjoyed, was peculiarly fitted to take part in an inquiry relating to the Diplomatic and Consular Services.

MR. O'REILLY-DEASE said, his countrymen were a wandering race, and they felt a peculiar interest in Consular and Diplomatic appointments. In anything connected with British influence abroad, and the protection which was extended to British subjects, they had a direct concern. To exclude Irish Members, therefore, from all share in inquiries such as that now proposed, was an outrage upon Irish national sentiment.

Mr. GLADSTONE: No person can hear the name of my hon. Friend the Member for Galway mentioned without acknowledging that, in such an inquiry as that now proposed—or indeed, in any inquiry—his co-operation would be of advantage. My right hon. and gallant Friend, however, must bear in mind that according to the usage which has prevailed for some time—and which my right hon. and gallant Friend has recognized in his own speech—Committees are constituted of Members chosen from both sides of the House, a majority of 1 being given to that side which possesses the majority in the House itself. And this advantage results from the arrangement, that it gives to Gentlemen on which ever side of the House they sit, an opportunity of serving in turn upon Committees. On the other hand, it is plain that if the present constitution of the House be such as popularly reputed, eleven Gentlemen from this side will not represent anything like the same proportion as ten Gentlemen chosen from the other. If my right hon. and gallant Friend desires to alter the present arrangement, that is a subject which may well be worthy of consideration; but it should only be done after full notice and ample discussion. I do not agree with him that minute attention should be paid to the representation of the three kingdoms exclusively. I think there is another nationality in this country quite as compact as the Irish or the Scotch—I mean the Welsh; and if we are to drive home too closely this doctrine of representation, regard must be paid to their representation also. The name which my right hon. and gallant Friend has mentioned is one that would carry with it universal acceptance upon any Committee; but in this instance I trust he will not feel it necessary to disturb the arrangement which has been made.

Committee *nominated* as follows:—Mr. Bouverie, Mr. William Henry Gladstone, Mr. Rylands, Mr. Richard Shaw, Sir Henry Lytton Bulwer, Sir Charles Wentworth Dilke, Mr. Kinnaird, Mr. Holms, Mr. William Cartwright, Mr. Arthur Russell, Mr. Sclater-Booth, Viscount Sandon, Mr. Eastwick, Mr. Baring, Mr. William Lowther, Mr. Cameron, Mr. Frederick Stanley, Mr. Butler-Johnstone, Viscount Barrington, Mr. Frederick Walpole, and Mr. Otway:—Power to send for persons, papers, and records; Seven to be the quorum.

House adjourned at Seven o'clock.

HOUSE OF LORDS,

Friday, 25th February, 1870.

MINUTES.]—*Sat First in Parliament*—The Viscount Hutchinson, after the death of his Father.

Public Bills—*First Reading*—Naturalization * (18).

Committee—Report—Provisional Orders Bills (Committees) * (11).

NATURALIZATION BILL [H.L.]

A Bill to amend the Law relating to the legal condition of Aliens and British Subjects—Was *presented* by The Lord Chancellor; read 1ª. (No. 18.)

The House met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 25th February, 1870.

MINUTES.]—Select Committee—Salmon Fisheries, *nominated.*

First Report—Committee of Selection [No. 81].

Public Bills—*Resolutions in Committee*—War Office [Salaries] *; Clerical Disabilities.

Ordered—First Reading—Clerical Disabilities [49]; Summary Convictions * [50].

Second Reading—Coinage [13]; Evidence Further Amendment Act (1869) Amendment * [20].

Committee—War Office [30]—r.p.

IRELAND—IRISH PAUPERS.

QUESTION.

Mr. M'CARTHY DOWNING said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government, in accordance with the repeated recommendations of the Poor Law Commissioners for Ireland, to introduce, during the present Session, a measure to repeal or amend the Laws by which persons born in that country, and others receiving relief in English and Scotch workhouses, are liable to be transported to Ireland?

Mr. CHICHESTER FORTESCUE, in reply, said, he felt very strongly interested in the subject of the hon. Member's Question, both as Chief Secretary for Ireland and as an Irish Poor Law Commissioner, and he desired strongly to see the law relating to it improved. With that view he was at present in communication with the President of the Poor Law Board of England and with the Lord Advocate of Scotland. More than that he was unable to say at that moment.

SCOTLAND—FAGGOT VOTES.

QUESTION.

Mr. CRAUFURD said, he wished to ask the Lord Advocate, Whether his attention has been called to the systematic way in which Faggot Votes are being created in some of the Scotch Counties; and, whether he is prepared to take any steps, by legislation or otherwise, to put an end to the practice.

The LORD ADVOCATE: Sir, my attention has been called to the practice to which the Question of the hon. and learned Member refers, and I have no hesitation in saying that I concur in what I believe to be his opinion, as the Question implies. At the same time the only answer which I can give is that the state of the law, under which the judgments of the Registration Courts are given, that this practice is permissible, and the possibility of altering that law in such a manner as to put an end to the abuse, without at the same time unduly interfering with other electoral qualifications, are matters which merit and will receive the attention of Her Majesty's Government.

THE CONVICT, GEORGE WHITEHEAD.

QUESTION.

Viscount ENFIELD said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the case of George Whitehead, who was sentenced to ten years' penal servitude on his own confession for arson at Hayes, near Uxbridge, in the month of October last, another man named Holden having been previously convicted and sentenced for that offence; whether at the trial of Whitehead evidence was not adduced to prove that he was of unsound mind, and could not have been present at the time in the locality in question; and, whether any inquiry has been made into the sanity of the said George Whitehead since his conviction?

Mr. BRUCE, in reply, said, the question had been and was still under consideration. The case was a very remarkable and extremely perplexing one. Whitehead accused himself of having set fire to a rick-yard; he was taken into custody, and committed for trial, and pleaded guilty upon being arrraigned at the Central Criminal Court. At the same assizes another man was charged with the same offence; he pleaded not guilty, but he was convicted, and sentenced to ten years' penal servitude. The learned Judge thereupon caused inquiries to be made as to Whitehead, and satisfied himself that he was perfectly sane. It was proved that he had been branded as a deserter, and that he himself had stated that he had never been near the spot where the fire occurred, and that he had acted as he had because he wanted to be sent abroad. The learned Judge, after consulting his Colleague, was of opinion that he should pass upon the second man a similar sentence of ten years' penal servitude. When the matter was brought to his (Mr. Bruce's) attention he consulted the learned Judge, who stated his belief that the man Whitehead had falsely accused himself in order that he might be transported. He added that he feared that if the man were discharged he would commit some great crime in order to get what he wanted, unless before he were discharged some change were wrought in him. If the man could be let out with safety to the public it would be his duty to see that he should be discharged.

ARMY—EXAMINATIONS FOR WOOLWICH.

QUESTION.

Colonel BERESFORD said, he would beg to ask the Secretary of State for War, Whether the Examinations for Woolwich after next July will be discontinued; and, if so, for what period; and, if not discontinued, will they be conducted on the system recommended in the Report of the Military Commission, and when will the first such examination take place?

Captain VIVIAN said, that the examinations would take place at Woolwich in July, and they would be conducted by the Civil Service Commissioners, and under the old regulations. Subsequent examinations would take place every six months, the number of candidates to be regulated from time to time. The future examinations would be conducted under regulations framed upon the recommendations of the Royal Commissioners. These regulations had been framed, and would be circulated immediately.

IRELAND—GRAND JURY LAWS.

QUESTION.

Mr. SYNAN said, he wished to ask the Chief Secretary for Ireland, Whether he intends to bring in a Bill in the present Session to carry out the recommendations of the Select Committee of 1868, to amend the Irish Grand Jury Laws?

Mr. CHICHESTER FORTESCUE replied, that he was sorry he could not speak with any confidence of being able to bring in a Bill that Session on that important subject with a fair prospect of carrying it. There were several Bills on Irish matters of no little importance, which he hoped would be passed. But that particular question, although it called for legislation, was one of a very complicated nature, and would require a great amount of discussion. It would, therefore, be a great mistake to take up the time of the House in discussing it without that prospect of carrying it which he did not think existed at present.

IRELAND—LOCAL TAXATION.

QUESTION.

Mr. SYNAN said, he also wished to ask the President of the Poor Law Board, Whether he has any objection to extend the order for a Select Committee on Local Taxation to Ireland?

Mr. GOSCHEN said, in reply, that, in the opinion of the Government, it was not desirable to extend the order for a Select Committee on Local Taxation to Ireland.

LICENSE FOR PARISH HEARSES.

QUESTION.

Mr. W. LOWTHER said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is intended that churchwardens of small parishes should be called upon to take out and pay for a License costing two guineas for Parish Hearses, such Hearses being kept solely for the accommodation of the poor?

The CHANCELLOR of the EXCHEQUER said, in reply, it was not the practice to require churchwardens of small parishes to take out and pay for a license of this nature. At the same time there was nothing in the Act which gave them exemption. If licenses were required in the future, the credit of the matter would rest entirely with the hon. Gentleman.

POLLUTION OF RIVERS.—QUESTION.

Mr. DIMSDALE said, he wished to ask, Whether it is the intention of Her Majesty's Government to introduce any measure during the present Session for the prevention of the Pollution of Rivers by Sewage?

Mr. BRUCE said, in reply, that a Report on a portion of that subject had just been presented, but there remained a considerable portion that had not yet been inquired into; and it would be extremely inconvenient to legislate on the question until it could be treated as a whole. It was not, therefore, the intention of the Government to bring in a Bill that Session.

ARMY—RIFLES FOR VOLUNTEERS.

QUESTION.

Colonel WILMOT said he would beg to ask the Secretary of State for War, When Rifles will be re-issued to Volunteer Corps in Districts 8, 10, and 6; and, whether, in accordance with Volunteer Circular No. 51, only those Rifles will be issued "the grooves of which may be unimpaired?"

Captain VIVIAN, in reply said, that rifles would be immediately re-issued to Volunteer Corps in Districts 8, 10, and 6. Those rifles, the grooves of which were found to be impaired would be withdrawn, and their places supplied by weapons of perfect construction.

ARMY—CADETS AT WOOLWICH.

QUESTION.

Major GAVIN said, he would beg to ask the Secretary of State for War, Whether the new regulations as to admission of Cadets in Woolwich after the examination in July will come into force absolutely, or whether any allowance will be made as to limit of age in favour of those who have already been up for examination under the existing regulations?

CAPTAIN VIVIAN, in reply, said, that the new regulations as to the admission of cadets to Woolwich, after the examinations of July, would not come absolutely into force, inasmuch as it had been decided that the old limit of age would remain in force till after the Christmas examinations. The new regulations as to age would only come into force at the examinations of Midsummer, 1871.

BEVERLEY ELECTION.—QUESTION.

MR. EYKYN said, he rose to ask Her Majesty's Government, Whether the William Henry Cook, scheduled as a briber in the Report made to the House of Commons by the Commissioners to inquire into corrupt practices at Beverley, is the same person as William Henry Cook, Esquire, Q.C., now one of the Judges of the County Court for the county of Norfolk; and, if so, whether he is not, under Section 45 of 31 and 32 Vic. c. 125, rendered incapable, as being found guilty of bribery, of holding any judicial office; and if, in the judgment of Her Majesty's Government the statutable incapacity does not attach without further proceedings, it is the intention of Her Majesty's Government to institute such proceedings as may be necessary, in the present state of the Law, to subject the person so scheduled to the disqualification imposed in the said Act?

MR. BRUCE, in reply, said, as the evidence on that subject was delivered only that morning, the Government had not had an opportunity of considering the matter in order to see how far the description given in the hon. Gentleman's Question was accurate in its reference to Mr. Cook. But with respect to the application of the Act it appeared extremely doubtful whether the section in question had the force the hon. Member supposed.

EDUCATION—INSPECTION OF SCHOOLS.—QUESTION.

LORD ROBERT MONTAGU said, he wished to ask the Vice President of the Committee of Council on Education, Whether the words in the Elementary Education Bill "The school shall be open at all times to the inspection of any of Her Majesty's Inspectors," are intended to apply to the ispection of those schools only which may hereafter be built under the Act, and not to schools which now exist and are secured by Trust Deeds which have been framed in accordance with Articles 13 and 30 of the Revised Code; or, on the other hand, whether it is intended to obtain powers to send any one of the inspectors (of whatever religious denomination he may be) to inspect the schools of a different religious denomination; and, if the latter is the intention, to ask whether it will not be necessary to override by Act of Parliament the School Trust Deeds which restrict the inspection to those inspectors who have been appointed for the purpose in the way prescribed by the Revised Code and various Orders in Council?

MR. W. E. FORSTER replied that the 82nd section of the Education Bill provided that after the 31st of March, 1872, no grant either for building purposes or for an annual allowance could be given to any school that was not a public elementary school. In another clause there was provision made for the acceptance of any inspector of whatever denomination sent down by the Privy Council. He did not believe it was necessary to make any special provision to meet the case assumed by the noble Lord in his last Question. The Committee of Council were advised that there were no school trust deeds which would restrict managers from accepting any inspector; but if there were, the 87th clause would meet the case. If the noble Lord was of a different opinion, he would have an opportunity of stating his reasons for it.

VISITATION FEES.—QUESTION.

MR. LOPES said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to make any provision for the payment of the "Visitation Fees," hitherto legally chargeable on Church Rates?

MR. BRUCE said, in reply, that the Government had not yet discovered the fund upon which they could charge visitation fees; which, at present, could be recovered from the churchwardens, who had lost the power of making a rate.

BRIDGWATER ELECTION.

QUESTION.

Mr. PEMBERTON said, he would beg to ask the First Lord of the Treasury, Whether, inasmuch as no prosecution is intended to be commenced by the Attorney General against the hon. Member for Wednesbury, with reference to the Bridgwater Election, 1866, it is the intention of the Government to move any Resolution respecting that hon. Member, who appears by the Report of the Bridgwater Commissioners to have been personally guilty of bribery at that Election, and of whom the Chief Commissioner is reported to have said—

> "That it was for this House to consider whether a Member holding his opinion, and having conducted himself as the hon. Member did, was any longer a fit Member of this House?"

Mr. F. WALPOLE said, he would also beg to ask the right hon. Gentleman whether the hon. Member for Wednesbury was the same Alexander Brogden who was reported as having been guilty of corrupt practices and bribery at the Election of Great Yarmouth in 1865?

Mr. GLADSTONE: With respect, Sir, to the question of identity, I have no means beyond those which the hon. Member himself possesses, and have no opportunity of furnishing any reply to it. With respect to the Question put by the hon. Member for East Kent (Mr. Pemberton), I must observe that in any answer I make to it I must distinctly waive the consideration how far it is becoming or desirable to raise a question of this kind simply by interrogatory, addressed by an independent Member, and which brings before the House matter of this character, without any opportunity being given by the rules of the House to the person principally concerned to take notice of it or urge anything he might think fit in answer. With regard to the Question itself I need only say that it was only brought under my notice this morning. I have no doubt the hon. Member considers it a simple and straightforward matter or he would not have put his Question at so short a notice. Further, the Question appears to imply that it was in the power of the Government to institute a prosecution against the hon. Member for Wednesbury, assuming the identity, under the Corrupt Practices Act. Now, that is not the case. The case that is here spoken of is not under the Corrupt Practices Act, and the passage in the Report of the Bridgwater Commission which refers to Mr. Brogden sets forth distinctly in the 28th page that it is not under the Act. The words are—"As to Mr. Brogden, the lapse of time renders him safe from any prosecution under the Corrupt Practices Act." I am desirous that the hon. Member and the House should understand that this is not one of those cases where it is simply for the Government or the Attorney General to consider whether they shall institute a prosecution under powers existing by statute. Then the Question of the hon. Member amounts to this, whether, independently of the Corrupt Practices Act, from which this case is distinctly excluded, it is the intention of the Government to move any Resolution respecting that hon. Member. With regard to that inquiry I must request the hon. Member to be good enough to give me and the Government a somewhat longer time for consideration than has been afforded us within the few hours since his Question appeared upon the Notice Paper. The evidence in this Commission has only been distributed to-day, and it would be desirable that hon. Members should have an opportunity of making themselves acquainted with it. And, further, the case as it appears to stand before us, is not one, so far as I am aware, that is governed by any direct or absolute precedent immediately applicable to it. It is evidently a matter of very delicate, and at the same time of a very grave and serious character, and the Government would be extremely loth to arrive at any conclusion in respect to it, except after the opportunity of full consideration amongst themselves, and full consultation with those authorities to whose judgment they would be bound to look in such a matter. One of the first questions that would have to be examined, assuming that there is no doubt at all about the statement of the Commissioners as it affects Mr. Brogden in 1866, would be whether there are any other Gentlemen, Members of this House, who stand either in an identical or in an analogous position. The next question would be, what would be the steps most proper to be taken? and the third would be, with whom the initiative in these steps would properly rest? I am sure the hon. Member, though I have ventured to comment on the shortness of the notice given, will not suppose I intend for one moment to suggest that these are matters unsuited for the attention of the House. On the contrary, they require the gravest and most careful attention; but I wish to indicate that there is a good deal to be considered, and the House will feel with me that we should do well to inform ourselves thoroughly and supply ourselves with all the best means of arriving at a right conclusion before we announce any positive decision to the House.

MR. PEMBERTON said, he desired to say a word in explanation. The right hon. Gentleman had commented on the shortness of his notice. He should not have put the Question, at all events yesterday, if he had not heard the notice given by the hon. Member for Windsor (Mr. Eykyn), and inasmuch as it appeared to him (Mr. Pemberton) on a reference to the Act of Parliament, that the Gentleman referred to—["Order," "Chair!"]

MR. SPEAKER: The hon. Member is now entering into a reply.

MR. PEMBERTON: Then I beg, Sir, to move the adjournment of the House. With reference to the observation that the hon. Member for Wednesbury had been afforded no opportunity of speaking on the subject, it might be supposed that the question was one for the hon. Gentleman and not for the Prime Minister to determine. I certainly should have given the hon. Gentleman every opportunity of replying. [*Cries of* "Order!"]

MR. SPEAKER said, the hon. Member could not make a Motion, having spoken to it.

MR. HEADLAM said, he wished to give notice of his intention to ask the right hon. Gentleman the Home Secretary the reason why, in the Report of the Bridgwater Commissioners, the usual practice had been departed from of giving references in the margin to the evidence after every important finding, whether this omission was accidental, and whether he will state what was the first Report of the said Commissioners, and why it has not been laid before the House?

ELEMENTARY EDUATION BILL.

QUESTION.

MR. STAVELEY HILL said, he wished to ask the Vice President of the Committee of Council on Education, Whether the word "with," in Clause 22, page 8, line 2, of the Elementary Education Bill is not a misprint?

MR. W. E. FORSTER said, that the hon. and learned Member would see that the clause carried out the intention to give power to the school Board to assist all public elementary schools, provided they did so on equal terms.

EQUALIZATION OF POOR RATES IN THE METROPOLIS.—QUESTION.

MR. WINGFIELD BAKER said, he wished to ask the President of the Poor Law Board, If he will inform the House by how much the Poor Rates have been reduced in each of the twenty-four parishes in the Metropolis in each half-year since the receipt of the contribution of the fifteen parishes to the twenty-four receiving parishes; and what is the money value per week per head of the Lunatics in each parish in the Metropolis?

MR. GOSCHEN, in reply, said, he had caused a Return to be prepared, and he would take care that in it the statements required by the hon. Member should be given.

CASE OF THE CONVICT ATKINS.

QUESTION.

MR. NEWDEGATE said, he would beg to ask the Secretary of State for the Home Department, Whether a prisoner named Atkins, confined in Warwick Gaol on conviction of a serious offence, had been recently liberated?

MR. BRUCE, in reply, said, he was not aware of the fact. He knew that the sentence of imprisonment had been commuted to one year, and he was not able to say whether that period had elapsed or not.

COMMERCIAL TREATIES.—QUESTION.

MR. SOMERSET BEAUMONT said, he would beg to ask Mr. Chancellor of the Exchequer a Question, of which he had given him private notice—namely, Whether he is accurately reported in that morning's papers to have said that he was not in favour of Commercial Treaties, and that he was not in favour of the negotiation of such Treaties?

THE CHANCELLOR OF THE EXCHEQUER: In the first instance, Sir, I have to complain that the hon. Member has not given me notice—at least I have not received it. On the whole I do not think that it is an inaccurate representation of what I said.

Mr. SOMERSET BEAUMONT: Sir, I beg leave to give notice, that as the right hon. Gentleman has not received the question of which I have given private notice, I will take the earliest opportunity of asking the First Lord of the Treasury whether he approves of the policy enunciated by his Chancellor of the Exchequer.

SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

COMPETITIVE EXAMINATION.

RESOLUTION.

Mr. FAWCETT, in rising to move a Resolution in favour of applying the principle of open competition to the Civil and Diplomatic Services, said, that the success of the principle which had been adopted of open competition in the East India Civil Service was a conclusive argument in favour of his Motion. If it were necessary a host of quotations might be adduced to prove, beyond doubt or cavil, that since the system of open competition had been established for India the general average efficiency of the Indian Civil Service had been raised. It might be said that if this system were adopted for the Diplomatic and Civil Service at home too great a number of young men would be attracted to it; but why in such a matter could not men be trusted to look after their own interests? The experience of the system in connection with the Indian Civil Service was against any such view. At the Universities it was not men who took the highest degrees who competed for these appointments, but the best men of the second class. Men of the highest class looked for Fellowships. It was also said that the Indian Civil Service was different from the Civil Service at home, where a part of the work was merely mechanical and might be equally well done by copying clerks. This argument, however, merely pointed to a glaring defect in the organization of the Government offices, which was admitted last Session from the Treasury Benches. It was then said that the work should be so arranged that what was merely mechanical should be separated from that which required ability and intellect of a higher order. It might also be objected that his Motion only asserted a principle, and did not enter into details. Short as had been his experience in that House, however, it had shown him that it would be extremely unwise for a private Member to sketch out a scheme of administrative reform. All he had to do was to lay down the principle and let the House affirm it, and then leave it for the Government to carry it out. The work that required intellect and mental culture ought to be well remunerated, and then the best men would be attracted to it. The humbler situations might then serve as rewards and prizes for boys of the class who succeeded in the University local examinations, or even for boys who had used to the utmost the advantages offered to them in the national schools. One of the evils of the present system was that it got rid of the personal responsibility of the Minister. If under the old system a Minister made a flagrantly bad appointment, hon. Members could come down to that House and blame the Minister. Now, however, when a bad appointment was made, the Minister could turn round and say—"See what the system of competition has brought us to!" He knew it was said that a test examination was a sufficient security against an incompetent person being admitted to compete, but they had the authority of the Chancellor of the Exchequer for saying that a test examination had a constant tendency to degrade itself, whereas the examination in a system of open competition had a tendency to maintain itself by a purely natural process. The present system was based on political patronage, and it was peculiarly the duty of those who wished to maintain the independence of the House to restrict and narrow political patronage within the smallest possible limits. How did the present system work? A Member received a letter from an influential constituent asking him to apply to the Patronage Secretary for an appointment for a son, or a nephew, or a cousin. In such a case he had two alternatives. On the one hand, he might ask for the appointment for a person of whose qualifications he knew absolutely nothing, or, on the other hand, he might offend a constituent whose support was essential to him at the next election.

Perhaps the Member had devoted a great amount of time and money to obtain that which was the great object of his life, and it was not wonderful if the first of these alternatives was that which he adopted. The appointment is obtained, and the Member who obtains it knows little of the qualifications of the person to whom it is given, and of course the Patronage Secretary or the Minister who gives it knows still less respecting them. But the mischief did not stop there. What was its effect upon the constituencies? The intelligence was carried down to a certain country borough that a well known electioneering politician had obtained a good appointment for his son, brother, or cousin, and what was more natural than that an artizan or small tradesman struggling with poverty should think that if Mr. A., who was very influential and very respectable, regarded it as being only fair that he should obtain an equivalent for his electioneering influence, at the next election he, who required assistance in a far greater degree, should obtain same pecuniary recognition of his vote. Thus it was that a feeling gradually spread over the constituency that an election was an occasion of which a person ought to avail himself for his own pecuniary advantage. Yet Mr. A. is a very respectable person, who moves in high society, and moralizes over the bribery that prevails in the borough; and the hon. Member who has obtained the appointment for him declares in that House, with indignant enthusiasm, that it is necessary to pass laws to repress electoral corruption. As long as this system of patronage for services rendered at elections was continued it was useless to pass laws against bribery and corruption, which, moreover, could scarcely be expected to bear the marks of earnestness and sincerity. Another objection to the system was the inequality with which it operated. During the last twenty-five years the Conservative party had only been in Office for three years, and the result was that the Government patronage had been most unequally distributed between the adherents of the two parties. Again, in some constituencies there were men who, prompted by a laudable spirit of independence, declined to ask for appointments, and therefore had no chance of participating in the Government patronage; while, in other cases, constituencies were represented in that House by men who objected to pledge themselves to any party, and who, therefore, would not go to the Patronage Secretary, because they were aware that if they accepted a favour from him they should have to make an equivalent return on some subsequent occasion; and the result was that the constituencies represented by them obtained no share of the Government patronage. It was an admitted fact that the amount of Government patronage obtained by a constituency was in an inverse ratio to its consequence, its purity, and its independence. It was upon small constituencies that the Government patronage was showered with the greatest abundance, because the Patronage Secretary knew that in such places a Government appointment acted with greater effect than in large places like Liverpool or Manchester. Looking at the subject from every point of view, and remembering the events that had recently occurred, he thought that it could hardly be disputed that political patronage tended to foster political corruption and to destroy the independence of that House, and for these reasons they should endeavour, as far as possible, to put a stop to and restrict it. Hon. Members had told him that he would have been wiser had he omitted the Diplomatic Service from his Motion. He was aware that there were arguments in favour of that view; but, on the other hand, there were also reasons why the system of open competition should be applied to that service as well as to the Civil Service. In the Indian Civil Service it had been found that the persons selected by open competition were equally skilled to deal with matters requiring delicate handling with those who were selected by nomination. If any special qualification were required in the person of a diplomatist, such as the speaking of foreign languages, it was only fair that those who were candidates for the position should be tested as rigidly as possible, in order to ascertain whether they possessed that accomplishment. It was particularly notorious that under the present system young diplomatists, located in foreign capitals, did not speak the language of the country in which they were employed with either fluency or accuracy. There were those who thought that diplomatic ability was confined within a certain charmed family circle, and that a man was born a diplomatist. But when he heard an argument of that kind the fact always forcibly recurred to his recollection that these aristocratic families, supposed to have a peculiar aptitude for diplomacy, were not always aristocratic—that they were once plebeian, that the founder of their line was himself a plebeian, and that it not unfrequently happened that the most distinguished man in such a family was one who had begun life as a plebeian, and had forced himself up into the ranks of the aristocracy. It, therefore, appeared to him that the qualities that made a diplomatist were not exclusively possessed by any one family in the country. The qualifications required for a diplomatist were intelligence and acuteness, combined with caution and that perception which enabled him to understand the feelings and opinions of others; and the best security that we could have for the possession of those qualities by those engaged in the Diplomatic Service was by giving them intellectual culture and a good mental training. When he raised this question last year he was told that his Motion was too sweeping, but he had now taken the exact words accepted by the Government last year, when they were asked to recognize the importance of dealing with the subject of national education. Of course he did not wish to force the Government to pledge themselves to deal with the question this Session; but if they gave him such a promise as they did last year with respect to education, he should be perfectly satisfied, and from that moment his connection with the question would cease. They might then hope to see the system which was based upon political patronage swept away, and one substituted for it which would be based upon the old maxim of a fair field and no favour. He begged to conclude by moving his Resolution.

Mr. WHITE seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Government should, with the least delay possible, introduce a measure, the effect of which would be to apply the principle of open competition to appointments in the Civil and Diplomatic Services,"—(*Mr. Fawcett,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. GLADSTONE: Sir, it is not necessary for me, for the best possible reason, to criticize minutely the terms of the Motion of my hon. Friend; but I will point out to him—and he will probably hear the announcement with satisfaction—that it will not be necessary to introduce any measure into the House for the purpose of giving effect to the principle of open competition. So far as I am aware, there is nothing in the system of open competition which will require the application of legislative authority. The subject, as the hon. Member himself very clearly perceives, does involve a great deal of important administrative detail; and I should have been very glad if it had been of such a nature that we could have had that assistance from the House which we have upon ordinary Bills introduced to become Acts of Parliament—the assistance of criticism and observation—in order to help us on in the task we have undertaken. But, in point of fact, this is entirely a question of arrangements internal to the offices, and not one which touches upon legislative duties. The administrative changes, as my hon. Friend defines them, are very considerable, although the principle upon which he proposes we should act in making them at first sight looks simple enough. The general idea which Members conceive is, that first appointments in the Civil Service are to be regulated by open competition—the correlative principle having been long ago established—namely, that promotions in the Civil Service are regulated by the Chiefs of Departments, and are understood and believed to be given—and, I am bound to say, are given—under the influence of merit and service alone. But when we pass beyond these general statements there are very important matters of detail to consider. There is that which of itself amounts to a complete reorganization of the Civil Service—the division proposed to be introduced, and which I hope will be carried out as far as possible, and made as clear as possible, between duties which are mechanical and formal, and those duties which require high mental training. That is a question which cannot be decided by rule of thumb; it cannot be disposed of by laying down a strict and absolute principle for all the Departments, but it requires of necessity a careful examination into the circumstances of each Department; and the precise point at which the line is to be drawn is a matter that cannot be settled except in detail and after minute scrutiny. There are other matters to be considered in establishing the principle of open competition. For example, it will be necessary that the responsible officers of the Government should reserve in a very strict and clear manner, so as to preclude all possibility of mistake, the power of defining and determining, from time to time, what are those superior offices which are to be considered as Staff appointments, and to which persons may be introduced and appointed irrespective of any prior services they may have rendered in the Civil Departments. That is a matter of the utmost consequence, and one on which, when once open competition is established, it is necessary the clearest understanding should prevail; because those who come into the Civil Service upon the basis of open competition, determined only by merit, may be disposed to rate highly, and perhaps justly so, their own claims to the fulfilment of what they may consider a covenant with respect to prospective advancement. We must, therefore, consider carefully the terms of that covenant, so as to reserve in the hands of the Government that discretion with respect to the higher appointments which it is absolutely necessary for the public service they should retain. Both, therefore, with respect to the limit, upwards, of those offices the first appointments to which need not be, and could not be, the subject of open competition; and, again, with respect to the limit, downwards, of all that class of offices with regard to which a test examination applies, and a rate of pay governed by what the market requires, much has to be considered. I cannot at all complain of my hon. Friend's speech, either as regards the principle he has laid down, or with respect to his remarks on political patronage, or as to the allowance of time he is disposed to give the Government for the consideration of all these matters. For my own part—and I think it is a sentiment that prevails amongst us—I do not desire to retain the present system of limited competition as the *ne plus ultra* of arrangements. It often occurs to my mind that we inflict possibly very considerable hardship upon many meritorious men by the cast-iron, stereotyped rule we adopt that for every office exposed for competition there shall be three candidates—that is, in order that one may succeed we insist that two shall fail. If the open market and the state of supply and demand should determine with respect to the public service that the proportion of defeated candidates to successful candidates should be as great as that, there is no ground for complaint—they must take their chance; but there is a great deal of hardship in laying down, upon what must be considered to a great extent an arbitrary assumption, the rule that now applies. I cannot dismiss from my mind the idea that it must be a considerable hardship, and that the number of persons defeated is possibly greater than it would be if the market were perfectly open and free. Exactly the same would happen if we attempted to regulate the quantity of any kind of provisions to be brought into the market. If some executive authority were to determine the number of live animals or the quantity of dead meat that should be brought into London, it would be the duty of those who made the regulation to take care there was an ample supply; but then it would entail great hardship on those who would be called upon to bring in more than they might ultimately find necessary. Thus the mischief would be in attempting to interfere with what ought to be left free. I confess I have a great deal of faith in freedom as applied to this matter. Though, probably, when the system of open competition is introduced there will be a rush of candidates, and it will take time before matters find their level, I believe, on the whole, that by the adjustment and adaptation between the number of offices and the persons disposed to compete for them, the system will be more satisfactorily arranged on the basis of freedom than it can be by any regulation, however well intended or judiciously chosen. I do not wish to stand on promises alone in this matter—because we have felt the obligation of the engagement we entered into last year on the Motion of my hon. Friend. I should tell my hon. Friend that we have not waited for the appearance of his Motion on the Paper to spur us on to make progress towards the fulfilment of our engagement with him. I will not say that our plan is quite complete, but communications have been held between the Treasury and the other Departments of the State; and though I cannot at the present moment undertake to state whether it would be in our power within a short time to establish in every public office a system of open competition, I can venture to say, unless our present expectations are very much disappointed, it will be within a limited period in our power to announce the establishment of a system of open competition upon an extended scale, a scale quite sufficient, even if there should be exceptions, to enable the public to test its principle on a perfect scale, and determine upon the propriety of applying it to any cases that may remain with greater advantage than we may be said to possess at this moment. Without longer detaining the House, I hope I have fulfilled the engagement with which I commenced these few remarks and have fully met the terms laid down by my hon. Friend in his speech. I do not undertake to define by the number of days or weeks the completion of a positive measure. It is very probable, although it will not require and would not admit being put in the form of an Act of Parliament to advantage, that it may require when drawn up in detail to become the subject of an Order in Council to be submitted to Parliament. I think no lengthened period will elapse before it will have assumed a practical shape; and my hon. Friend, I trust, will, in the course of the present Session, have an opportunity, not of recommending, as he has done, the adoption of the principle, but of judging of the good faith and prudence and wisdom with which the Government has applied itself to the subject.

Amendment, by leave, *withdrawn.*

ROYAL FORESTS.—OBSERVATIONS.

MR. GOLDNEY said, he rose to call the attention of the House to the present extent and condition of the Royal Forests. He wished to call attention not only to forests, but to woodlands also—although many of the latter had been disafforested. There were now only two forests that came under the denomination of Royal Forests—namely, the New Forest and the Forest of Dean. These forests and certain woodlands, which included about 150,000 acres, had been for a very long time almost, if not quite unproductive to the country. There had been a long course of legislation with regard to Royal Forests. By an Act passed in the 10th *Geo.* IV. all the Crown lands were put under the charge of the Commissioners of Woods and Forests, but they (the Commissioners) were prevented from dealing in any way with forest land, because it was then considered necessary for the supply of timber to the navy. But that cause for maintaining them in their present state had become practically obsolete by the introduction of iron ships; and the result had been that for a great number of years the maintenance of these extensive lands had been a waste of public property. He would recommend that the Government, instead of going to law to insist upon Crown rights, which he believed were now almost, if not entirely, exploded, should consider whether it would not be possible to deal with these lands so as to obtain a large fund from them, and whether certain portions of these forest lands should not be sold instead of being kept in their present unproductive condition. Of the 89,000 acres forming the New Forest 5,000 or 6,000 were held by the Crown in severalty, and over 63,000 acres the Crown had undisputed right to the soil and timber, subject only to certain common rights over portions of them; and the Crown had the right also of closing, and keeping enclosed, for the growth of timber, some 16,000 acres. The question of deer was no longer in the way, for, under under the provisions of an Act of Parliament passed in 1851, the maintenance of deer in the forest had been entirely given up. The Crown, however, still retained the right of planting this land, and of excluding the commoners from a large portion of it, and, in fact, from the whole between November and May, and from the middle of June to the middle of July. The exercise of this right gave rise to constant complaints and dissatisfaction among the persons interested, or claiming to be interested in certain feeding rights. Last year a long Report on the subject was presented to the House of Lords by the Commissioners of Woods and Forests, and a Select Committee appointed by that House fully and carefully investigated this subject. He might remark that one of the Members of that Committee was the Duke of Somerset, who, when Lord Seymour, held for many years the office of First Commissioner of Works. Well, that Committee stated in their Report, in reference to the New Forest, that the interests of the Crown and of the commoners were constantly at variance, and that, in the opinion of the Committee, a Commission ought to be appointed to allot to the Crown a certain part of the Forest, free from all common rights, and to leave the remainder to the commoners. That course had already been pursued with regard to several other woods and forests. He did not believe that during the last twenty-five years the Department of Woods and Forests had practically benefited to the extent of a single farthing from the possession of the 150,000 acres of forest and woodland held by them. It was true that, on the face of the accounts annually submitted to the House, there was a balance in favour of the office amounting to some £11,000 or £12,000, the average receipts being about £45,000 or £46,000, and the average expenditure about £35,000 or £36,000. The Office of Woods and Forests still kept up the old machinery that had been laughed at, and would continue to be laughed at so long as it was kept up; they employed a large number of rangers, deputy-rangers, verderers, woodmen, bailiffs, sub-bailiffs, and other salaried officials, all of whom were necessary to be maintained under the Forest Laws, but who were now practically of no use either to the public or the Crown, and these salaries and the departmental expenses disposed of the small balance. A general impression had got abroad that the officials in the Department of Woods and Forests not only deemed it their duty but that they were bound to maintain in its integrity all the property of the Crown, and to deal with it solely with the view of improving its monetary value for the benefit to the successor to the Crown, notwithstanding the fact that these lands had been practically vested in the State for upwards of 170 years; but he considered that the State had a right to deal with some of these lands in such a manner as to benefit the people, irrespectively of the question of pounds, shillings, and pence. In the case of Victoria and Battersea Parks, Acts of Parliament were passed authorizing the Commissioners of Woods and Forests to appropriate part of the monies arising from the sale or exchange of Crown lands, and to apply such monies to the purchase of the parks, limiting the amount in the latter case to some £200,000 or £300,000. People were daily becoming more and more convinced of the necessity for securing open spaces in the vicinity of London and other large towns for the enjoyment and recreation of the people. Now, with regard to these 150,000 acres—and he was not alluding to the parks, forests, and lands necessary for the personal enjoyment of the Sovereign, such as Windsor Park and Parkhurst, in the Isle of Wight—there would, he believed, be allotted to the Crown, after compensation had been given to the various parties interested, some 75,000 or 80,000 acres. Now, if half that property were sold, it would, in the opinion of persons well qualified to judge, produce nearly £2,000,000. With that sum a large quantity of the remaining land, now lying waste, might be brought into profitable cultivation, and a large number of persons employed who were now out of work, while at same time great satisfaction would be given to those who lived on the borders of the forests. In addition, there would be a fund in existence which would obviate the necessity of imposing further burdens on the already over-taxed population for the establishment and maintenance of recreation grounds in the vicinity of large towns. He trusted Her Majesty's Government would take into consideration the desirability of removing by statute the restrictions by which the Commissioners of Woods and Forests were at present bound as regarded these woodlands. They had often been taunted for the course they pursued, but, in point of fact, they could not act otherwise, as the law allowed them no discretion, but defined the rules by which their conduct must be guided. Their simple duty was to manage the lands so as to make them produce as much money as possible. If they were empowered to utilize these woods by the sale of some, and the appropriation of others for the benefit of the public, without reference to mere pecuniary considerations, a great benefit would be conferred on the community.

MR. C. READ desired to supplement his hon. Friend's remarks with reference to the New Forest, by a few observations. He considered this a very important question when they remembered the number of people who had to leave the country from want of employment, and the quantity of foreign food we imported, that so many thousands of acres should be allowed to continue unproductive. It was no use as a Royal domain, and last year it only produced a paltry net rent of £1,768, for growing timber that was not required for the Navy. It certainly employed a goodly number of officials, and it allowed the commoners to starve a few cattle and ponies, and it also encouraged a predatory population. Some of the waste lands of this country were miserably poor and barren, and must always remain in a state of nature; some were rocky and full of stones, and must be regarded simply as mountain pasture; and other parts would not pay for the engineering skill and other labour required for their improvement, but in the New Forest no such difficulty existed, and there was no necessity for any great amount of arterial drainage. It was simply necessary to clear out the present streams, and there would be plenty of fall for the water. Then there was an abundance of gravel for making good roads, a fair amount of clay for making bricks. The climate was excellent, while the locality was good and skirted by railways. Some of the soil ranged from a hungry gravel to a rich vegetable loam, and a great portion of it would produce immense quantities of corn, roots, and artificial grasses. It might be thought, perhaps, that he was over-estimating the quality of the land in the forest, but he would merely state certain facts which had been brought under his notice. There was a farm there called New Park, which was held by Mr. Dickinson, a gentleman well-known in agricultural circles as a zealous experimental farmer, and still more widely known to the general public as the most successful cultivator of Italian rye grass in the world. Mr. Dickinson having had a twenty-one years' lease, forthwith spent £1,000 in improving and enlarging the house. The farm consisted of 430 acres, and the rent was £816 a year, so that for about a hundred and fortieth part of the area he paid nearly one-half of the net revenue that came to the Crown. The ground was well adapted for the growth of corn and roots, for Mr. Dickinson, in competing at shows open to all England, had always been successful with his wheat and barley, and last year he won second prizes with all the kinds of mangold wurzel he exhibited. A great portion of the New Forest was quite as good land as that on Mr. Dickinson's farm. It was now largely planted with Scotch fir, which was the most valueless fir that could be grown, and which ought only to be planted on a shaky morass or a blowing sand. Swine were actually allowed to root up the fine grasses, the fern, sedge, and coarse grass were cut off and sold, and commoners were permitted to take away turf and burn it. No doubt a large portion of the forest ought to be sold. This would bring a considerable sum of money into Her Majesty's Exchequer, and there would be an excellent opportunity, if his view were adopted, for the creation of small freeholders, which would be free from all questions arising between landlord and tenant. There were admirable sites for private residences and good farms over the entire forest. The beauty of the country, however, ought to be preserved, and with this object in view it would be desirable to sell the ornamental timber with the land. He thought that a few patches of corn, and of bright green turnips, would really not be unacceptable in those dreary wastes; and a sufficient portion should be reserved for the recreation of persons resident in the neighbourhood, and allotments, also, might be made for cottage gardens. There were, however, some very serious drawbacks towards investment in property of this description. Supposing a person should sell out from the funds and invest in forest land, he might possibly give £25 for it per acre, and spend another £25 for it in erecting farm buildings, and cottages, and making roads, as well as enclosing and draining the land; he might also be called upon to furnish a site for a school, and contribute towards its maintenance; and perhaps he might have to help to build a new church, and of course to contribute to all the parochial charities of the neighbourhood. After doing all these things, he would find probably a net income equal to about 3 per cent on his investment, and that his income was taxed 10 per cent or more for local charges, and the maintenance of the poor of the district. It would be a poor consolation to such a person to know that when he died his executors would escape 1 or 2 per cent in respect of probate duty.

Mr. STANSFELD said, that the question before the House was one of considerable interest and importance. The hon. Gentleman who had brought it forward had directed his remarks particularly to the administration of the New Forest, the largest of our forests; and it might be well that he should point out that his (Mr. Goldney's) remarks and those of the hon. Member for South Norfolk (Mr. C. Read) had no practical application except to the case of that property. The Forest of Dean was a forest beneath whose soil there were mineral treasures, and the tenure was subject to mineral rights both above and below the ground. It would not be profitable, as they were advised, to sell the interests of the Crown in that property. As to a considerable number of small forests which belonged to the Crown, his hon. Friend opposite must be aware that the plantations on them were young, and he need not remind him or the hon. Member for South Norfolk that nothing could be more improvident than to sell on a large scale what he might call "green crops;" for, although those plantations were of great growing value, it would not be easy to go into the market and find purchasers for them at a profitable rate. In some instances profit could not be realized for a quarter of a century. He came, in the next place, to the New Forest, and here he wished to say a word as to what had been stated about the farm of Mr. Dickinson. The hon. Gentleman opposite (Mr. C. Read) in referring to it had argued that a large portion of the New Forest might be made to produce considerable crops, though where these portions were he had omitted to define. Almost in his next sentence, however, the hon. Gentleman informed the House that a great part of the forest consisted of plantations of Scotch firs, which was a wood of little value. But did it never occur to the hon. Gentleman that those Scotch firs had been planted in such abundance because the soil was not fitted to grow timber of a more valuable description, and that such a soil was not likely to produce prize crops? The farm which had been alluded to was, he might add, one which had probably been selected by its occupier for the expenditure of a large capital, and could not be compared with the rest of the land in the forest; but he was not by any means prepared to say that no change for the better could be made in the administration of the New Forest. The subject had been brought under the consideration of the Government during the Recess, and he and one of his Colleagues went down and spent one or two pleasant days in exploring the beautiful scenery in that quarter. They had come to the conclusion that it would be very important to ascertain, on as reliable data as they could procure, the financial pros and cons as to the two systems—of managing the forest as a forest, exercising the full planting powers of the Crown, or, on the other hand, asking Parliament to disafforest it and deal with the lands as the lands of other forests had been dealt with on former occasions. They felt, however, that sufficient data were as yet wanting to enable them to come to a sound decision in the matter, and it would not do to deal with so important a property, in which not only the reigning Sovereign, but the Royal House itself, was interested, without further information. The Treasury had accordingly instructed the Commissioners of Woods and Forests to obtain such a business-like financial statement as might be expected from a land agent by a Lord of the Manor or the owner of an estate as to the probable value to the Crown and the public of adopting the one or the other of the systems which he had just mentioned. The Report in answer to these instructions would, he had no doubt, be received in the course of the Session, and if the result were such as to convince the Government that it would be more for the interest of the Crown, as well as of the public, to deal with the forest in some such way as had been indicated, there would be plenty of time for a Bill next Session, before which the forms of the House would not allow it to be introduced. Before he sat down he wished to say a word on what had fallen from the hon. Member for Chippenham (Mr. Goldney) as to the right and expediency of dealing with this property without relation to pounds, shillings, and pence. His hon. Friend, with reference to Victoria Park, seemed to be under the impression that the property of the Crown had been given away for the benefit of the public. If his recollection served him aright that was not the case; for a fair equivalent, it was felt, was received for what was given up. His hon. Friend could not fail to remember that one of the first acts of the Sovereign on ascending the throne was one by which the Sovereign surrendered the hereditary revenues in return for the Civil List. That act was regarded as a contract or bargain between the occupant of the Throne and the

Parliament of this country, and they could not fail to recognize the fact that not only the Commissioners of Woods, but that House and Parliament, were bound to preserve the inheritance and capital of those Crown estates intact. Dr. Broom, in his Commentaries on the Laws of England, took this view of the question, and observed—

> "The capital of the land revenue is the reversion of the Crown; the income belongs for the time to the public. The Commissioners of Woods are, therefore, bound to take care that the one is not sacrificed to the other. On behalf of the public they have to obtain as large an income as possible, and it is their duty on behalf of the Crown to see that no part of the capital is sacrificed in order to increase the immediate income."

That he believed to be a sound statement of the law and of Parliamentary obligation. With regard to that part of the hon. Gentleman's remarks which related to Epping Forest, it would be remembered that an Address had been presented by that House to Her Majesty, and that the subject had been referred by Her Majesty's Answer to the consideration of the Government, and he had no doubt that, without in any way infringing upon the rights of the Crown or the estate and reversion which attached to these forests, some available means would be found to secure the object which the hon. Gentleman desired.

Viscount ENFIELD said, he did not desire to enter into the main question, but rose for the purpose of defending those whom the hon. Member for South Norfolk (Mr. C. Read) had described as a "poaching and predatory population." Residing, as he did, in that district, he could assure the House that that description was entirely inapplicable, and he regretted that the hon. Member should, upon what was probably mere hearsay, have used such a harsh expression towards those who, though they might be poor, were as honest as the population of any county in the kingdom. In many instances efforts had been made to procure for them employment in other parts of the world, but the assistance had been refused, those to whom it had been offered preferring to remain at home and earn a livelihood which, if precarious, was at all events honest. He trusted that in any arrangements made their rights would not be disregarded. Incidentally, he might express his regret that when changes were made in the administration of certain offices, arrangements were not made to secure for the Crown lands more direct representation in that House.

Sir JOHN TRELAWNY said, in answer to the wish expressed by the right hon. Gentleman the Financial Secretary to the Treasury, that some data could be found on which to deal with this question, he would observe that the data which the right hon. Gentleman required were furnished in a Return for which he himself (Sir John Trelawny) had moved as far back as 1847. The facts brought to light by that Return were so strong that Lord Duncan made use of them in 1848 to show that, while money was wanted for public purposes, and was to be obtained, it was only right that these national resources should be turned to account, rather than that the people should be unnecessarily taxed, and induced the House to appoint a Committee, on which he (Sir John Trelawny) had the honour to serve, to inquire into the whole subject of Woods and Forests; and their investigations were of the most complete and detailed character. The Return which was furnished showed the mode in which the property was managed, and afforded exact information of the income and expenditure during a long series of years. It appeared from the Return that the profits of management were almost nil, and in it the right hon. Gentleman would probably find what he required.

Mr. BONHAM CARTER said, he took a deep interest in this subject, because he had always felt that in the county to which he belonged (Hampshire), there existed a very large tract of land from which neither the county nor the country derived its due share of benefit. It was at one time urged that the object of the New Forest was to supply the dockyard at Portsmouth with Navy timber. A Return for which he, however, moved two years ago, showed that the quantity of oak timber sold in 1866 was nil, and he believed the same answer would be equally applicable for many preceding years. In fact, the supply of Navy timber obtained from that forest had never in any one year been so much as would be required in the construction of a frigate, and while this was held out to be its use, immense sales of ship timber had taken place at Portsmouth Dockyard, in consequence of the almost exclusive use of iron. By the Act of 14 & 15 *Vict.* the New Forest was disafforested as regarded deer, and a bargain was made, which was not a bad one for the country if it had been properly carried out. A very large number of fir trees were then planted, and in the recent farming of the land, as he might term it, 3,000,000 fir trees had been planted to 2,000,000 of oak. There was no doubt that the character of the land varied exceedingly, and that fir could be planted upon land that would not grow oak, and no doubt in this respect the forest was under able management; but part of the object of the Department being to show good returns, they had cut not only oak but beech, a process which was inimical to the beauty of the sylvan scenery, as the forest contained some of the finest beech in England. It might be supposed that those beech trees when cut were very profitable, but that was not the fact. There were hardly any roads in the district, so that the beech which was cut did not fetch more than half the price which any hon. Member could obtain for such timber cut on his own woodlands, the average of the late sales having been no more than 3¾*d.* per cubic foot. The Department had not felt themselves authorized to expend money on the making of roads, and as they paid no rates or taxes the neighbourhood did not, of course, feel disposed to come to their assistance, while railroad communication had unfortunately received no encouragement. The South Western Railway had been obliged to take a wide circuit for the very purpose of avoiding a large district of the forest, in which it would have doubled or trebled the value of the soil. He did not speak on this subject entirely without knowledge, for he happened to reside near a small forest belonging to the Government, Woolmer Forest—retained as subsidiary to Aldershot, and very efficient for that purpose. It consisted of 6,000 or 7,000 acres of pure sand, and had been valued by Mr. Clutton at the time of which the hon. Baronet (Sir John Trelawny) had spoken at an annual value of 4*s.* an acre, or about £6 an acre for the freehold. The Government disposed by Act of Parliament of the rights of the parochial commoners, and gave up to the commoners a large margin of exactly the same quality of land, in extent from 1,500 to 2,000 acres. This land was subsequently allotted under the Enclosure Acts, and was now selling in large quantities at £15 an acre, and in small quantities at from £30 to £40 an acre. And the purchasers of the smaller plots, although the land was of the poor character he had described, were able to turn them to good advantage on account of the facilities afforded by the proximity of the railway. He did not see why a somewhat similar course should not be pursued by the Government. He was not one of those who wished to enter upon the line of action deprecated by his hon. Friend on the Treasury Bench—that of suddenly selling a large estate; but he was quite certain that, under judicious management by the Department which controlled these large districts of Crown property, and by an increase of their powers, it would be possible gradually to effect sales at prices very much higher than the lands would fetch as mere timber land. By that means not only would the value of the parts still remaining in the hands of the Crown be increased year by year, but persons with capital, who were desirous of residences of a picturesque character, would be induced to lay out money in improving the land; and the districts themselves would gradually become populated and filled with a resident gentry, employing labour and laying out capital. He was glad to hear that the attention of the Government was directed to this subject. It was one that would well repay attention; and he was quite sure that, if investigation of the subject were undertaken and vigorously carried out by the Department, not only would the districts themselves very greatly benefit, but the Treasury would have reason to feel well satisfied with the results.

WORKHOUSE RELIEF.

QUESTION. OBSERVATIONS.

MR. FIELDEN said, he rose to call the attention of the House to the follow-passage, contained in an "Instructional Letter to various Boards of Guardians on their formation," sent from the Poor Law Commissioners' Office, dated the 31st day of January, 1837, and signed "Edwin Chadwick, Secretary," (that is to say)—

> "Where the pauper is the head of a family, and he declares that he has no work, and proves satisfactorily that he can obtain none, either in his own or in any of the parishes within a reasonable distance, he may be offered temporary relief within

> the workhouse, until he can get some kind of work; relief, wholly or chiefly in kind, being given in the interval to the family, to prevent the necessity of immediately selling off their goods and breaking up the cottage establishment. The pauper should be distinctly told that such an arrangement can only be temporary, in order that his wife and family may seek work for him, and that the strict workhouse principle requires that all the members of a family claiming relief should enter the house, and give up their property for the benefit of the parish."

This question was a very important one. He should probably be told, as many hon. Members had told him since he had placed his Notice on the Paper, that this Letter was not one which was ever acted upon. If so, there could be no objection on the part of the President of the Poor Law Board to issue a Minute to rescind it. But there was a strong feeling in the country that the Letter was acted upon in the present day. In the north of England, certainly, the general belief among the poor was that unless they sold their furniture they would not be entitled to relief. This belief had been alluded to in the House by the right hon. and gallant Gentleman the Member for North Lancashire (Colonel Wilson-Patten) at the beginning of the cotton famine, and he was told by Mr. Villiers, then the President of the Poor Law Board, that no Order justifying that belief was in existence. But, though there might be no such Order, yet there was this Instructional Letter, which had never yet been repudiated or contradicted. He would read an extract from the speech of Mr. Leppock, the Chairman of the Manchester Board of Guardians, in December last, to show that this was the belief entertained by the poor in the neighbourhood of Manchester—

> "Many of this class—labourers thrown out of employment, although willing to work — had been obliged to emigrate; others had become paupers, while some had disposed of every scrap of furniture they possessed, and there were hundreds of cottages in this city where scarcely any furniture or even a blanket was to be found. It would be the duty of the Guardians to inquire minutely into the cases which came before them; and it would be well for the relieving officers to advise the poor not to postpone coming to the Board till they had disposed of everything they possessed. There seemed to be a mistaken opinion among the poor that they could not get relief if they had a decent house and some furniture. It was of the greatest importance that the poor should be assured that this was an error, and that the Board was willing to relieve them, and would be glad if they would keep their furniture."

The sentiments of Mr. Leppock did him honour, though he believed that it was that gentleman who, unfortunately, was in error, and not the poor. He might allude also to an important document as proving that this was the condition on which relief to the poor was to be administered. The President of the Poor Law Board had said on the Minute lately issued and dated November 20, 1869—

> "One of the most recognized principles in our Poor Law is that relief should be given to the actually destitute, and not in aid of wages."

And surely a destitute family was a family who had sold their furniture. This confirmed the opinion that prevailed amongst the poor—that they could not obtain relief while they retained their furniture. Let him now call attention to this Instructional Letter. They were told that, "where a pauper is the head of a family, and he declares that he has no work, and proves satisfactorily"—that was, he (Mr. Fielden) supposed to the satisfaction of the Guardians—"that he can obtain none, either in his own or in any of the parishes within a reasonable distance" what was to be done? The natural answer was, that he might have relief; he had done all that an honest man could do; he had gone through his own parish and through the adjoining parishes to obtain employment; and he had satisfied the Board of Guardians that he had done so. What was he to have then? He was told that "he may be offered temporary relief within the workhouse until he can get some kind of work." The man was to be admitted into what he regarded as to all intents and purposes a prison, where he was separated from his wife and children, locked up at night, stripped of the clothes in which he entered, and clothed in the dress in which we put those in our jails who are awaiting trial. But this was not all. While the man, who was willing to work, and had done all that he could to obtain work, was separated from his family and kept within the walls of this prison, he was to be "distinctly told that such an arrangement can only be temporary, in order that his wife and family may seek work for him." Could anything be conceived more unjust, more cruel? The man who had honestly tried to get work—for he was bound to satisfy the Guardians of that in the first instance—was shut up, in order that his wife, with, probably, two or three little children, and one, perhaps, on her back, might go seeking about for the employment which her husband had been unable to find. The creature that could conceive the idea of this refined cruelty was not a man, he was a demon in human form. The Letter went on to say that "the strict workhouse principle requires that all the members of a family claiming relief should enter the house, and give up their property for the benefit of the parish." Enter the workhouse or starve was the choice thus put before them. Surely it could be no wonder that such a system had practically failed. It had created the army of vagrants which the Guardians and the Poor Law Board were now trying in vain to control. It was not the idle vagabond alone who was thus dealt with, but the honest and deserving man—the man who was willing to work. Such a man would not go into the Union workhouse to be separated from his wife and children. He and his wife would not submit to this. After parting with their all they went to the road; they slept under hedges and in barns; they went to the nearest town, and often found their way to London. Dr. Southwood Smith confirmed this state of things in his Report to the London Fever Hospital in 1844. At page 44 he said—

> "A large proportion of the subjects of fever, received into the Hospital during the past year, were agricultural labourers and provincial mechanics, who had been induced to leave their native counties in search of work, and who, either on their road to the metropolis, or soon after their arrival in it, were seized with the disease. The causes assigned for their illness, by these poor creatures themselves, were various, some stating that it was owing to sleeping by the side of hedges, others to want of clothing—many being without stockings, shirts, shoes, or any apparel capable of defending them from the inclemency of the weather; while others—and these constituted a very large proportion of the number—attributed it to want of food, being driven by their intense hunger to eat raw vegetables, turnips, and rotten apples; and certainly their appearance, in many instances, fully corroborated the truth of their representations."

He (Mr. Fielden) told the House that if they persevered with this system, attempting to drive the honest, hard-working poor into the workhouse, the necessary result would be that the vagrant and criminal classes would go on increasing to such an extent that it would be an utter impossibility to put them down. In fact the state of affairs would become so fearful that it would end in a revolution. In order, therefore, to know whether the Government intended to persevere in this course, he had to ask the President of the Poor Law Board, Whether this is still the principle by which the Board directs the administration of relief; and, if not, whether he is prepared to issue a Minute rescinding this objectionable Instruction?

MR. GOSCHEN, in reply, said, the Instructional Letter to which the hon. Gentleman alluded, and which he properly mentioned was dated in the year 1837, had long since been superseded by the General Orders of the Board; and, therefore, so far as the Poor Law Board was concerned, and so far, he believed, as regarded the public, the Letter was exactly in the same position as if it had been withdrawn. Indeed, so obsolete had it become that it was very difficult now to obtain a copy of the Letter. There were three points raised by the hon. Member. One was the suggestion in the Letter that the head of the family should be taken into the workhouse temporarily, while his wife and family were to seek work for him. That practice, which the hon. Gentleman had justly condemned as cruel and foolish, had entirely ceased; it was not enforced either by the out-door relief Prohibitory or Regulation Orders, but, on the other hand, he freely admitted that the workhouse test had been made more efficient since 1837. The Letter was used temporarily; but when the Act of 1834 came into full force, and Union workhouses were built, it ceased to have any operation, and out-door relief was altogether prohibited in agricultural districts. The hon. Member asked whether the Government considered it right to remain on the same line, as regarded the workhouse as a test, on on which they had hitherto been progressing. He confessed, so far as he was concerned in the administration of poor relief, he should be sorry to do anything to smooth the way for more paupers to be on the rates, or in any degree to relax the workhouse test. The hon. Member had pointed to the increased number of vagrants, which they all deplored; but he must remind the hon. Member that it was a great question whether the whole system of out-door relief was not responsible for that increase. When the Act of 1834 was first vigorously applied there was a decrease of paupers; but when it became impossible in large towns to find workhouse accommodation there was an increase; and any relaxation in the shape of out-door relief would be followed immediately by an increase in the number of paupers. It stood to reason—it was so easy to receive money from the rates—that there was a great temptation to paupers who placed themselves in that condition to continue in it. This was too large a question to argue on the present occasion; but he believed they had now to deplore the evils of increased pauperism because the administration had been too lax, not because it had been too severe. The hon. Member said it was hard that an able-bodied person should be put to the workhouse test. But was there any other country that gave relief, compulsorily, to the able-bodied labourer at all? In Scotland the able-bodied were entitled to no relief whatever. In England that class was entitled to relief in the Union; but nothing could be more unwise than to relax the Order relating to out-door relief. The increase of paupers was greatest, not where the in-door test was enforced, but in large towns, where it was impossible to apply that test thoroughly. There was another and somewhat difficult point to which the hon. Member alluded as regarded the furniture of the applicants for relief. He believed the hon. Member had stated the law correctly. The law said the man must be destitute, and he was glad to hear the hon. Member state that such was the opinion of the labouring classes, and that they were prepared rather to sell their furniture than apply for relief. That was consistent with what one heard on every side—that rather than become paupers and a burden to the community they would make real sacrifices and endure many hardships. It was, of course, impossible to apply the rule absolutely, as if it were of iron; it could not be done; but, as a general rule, certainly it ought to be laid down that, in the case of the able-bodied, so long as he had means he ought not to receive parish support. He was aware that in Manchester they had resorted to a plan in cases of great pressure—namely, taking care of the furniture of the pauper while he was in the workhouse—and such cases might occur, but they must be exceptional. He had now, he believed, answered all the points stated by the hon. Member, and he could only add that he should be sorry to issue any Minute that might lead to the opinion that it would be wise or in the interest of the working class to relax the system of in-door relief.

STAMPS UPON LEASES.—OBSERVATIONS.—QUESTION.

MR. BOURKE said, he rose to call the attention of the House to an alteration that has been made in the administration of the Law in respect of Stamps upon Leases, and to ask Mr. Chancellor of the Exchequer, Whether Her Majesty's Government intend to propose any remedy for the hardships and anomalies of the existing Law? He had received communications from Manchester, Birmingham, Liverpool, and other large towns relative to the present condition of the Stamp Laws, and he did not think the Government, if they intended to introduce a Bill on the subject, could object to his bringing forward a matter which really showed the strong necessity for amendment and consolidation. About fifteen years ago, in the year 1854, an Act was passed imposing a stamp upon leases. The practice under that Act, taken in connection with other Acts, was this—An *ad valorem* stamp calculated on the rent was imposed on every document called a building lease. The practice was perfectly well known and uniform, and it was sanctioned over and over again by the authorities of Somerset House in the most formal manner. To use the expression of the Chancellor of the Exchequer, the customary interpretation applied to these documents was that *ad valorem* stamps, and *ad valorem* stamps alone, were imposed. The authorities at Somerset House not only applied this customary interpretation to those documents, but they formally adjudicated on the subject. In 1850 an Act was passed which enabled anyone who had a doubt as to the stamp to be placed on any document to take that document to Somerset House and obtain the opinion of the law officers of the Commissioners of Inland Revenue as to what additional stamp was necessary. This was called the adjudication stamp. Last December however, a new light seemed to have broken upon the authorities of Somerset House, and they gave notice that they would require, for the future, any document of the character he had described to bear an additional stamp of

35*s*., besides the *ad valorem* stamp. A gentleman who had occasion to get a lease stamped demurred to this new practice, and appealed against it to the Court of Exchequer, which Court, however decided that the customary interpretation of the Act had been an erroneous one, and that the new interpretetion of the Board of Inland Revenue was correct. What was the result? Briefly stated, it was this—that from data on which he could rely it appeared that not less than 1,000,000 documents in the United Kingdom were at that moment erroneously stamped, and were consequently useless as legal instruments in a court of law, and invalid for giving a good title to land. He need not enlarge upon the dismay that this decision had occasioned over all the country, or upon the trouble and expense that must be incurred if a remedy were not applied. A hundred instances might be furnished, but he would content himself with one, as an illustration of the effect of the decision. A gentleman of his acquaintance wished to assign fifty-eight leases, and he discovered that under the new interpretation of the law fifty-four were improperly stamped. The intending purchaser declared that he could not accept them, because they were invalid documents, and the result was that the gentleman would have to go to an outlay of at least £100 in order to give a good title. Now, he might be told that it was the duty of every subject to be acquainted with the law, however hard or harsh it might be; that *ignorantia juris not excusat.* But, in this case, the ignorance was on the part, not of the public who suffer, but of the Department who counsel the suffering: and it would therefore be extremely unfair if the public were to be mulcted for *laches* that were not their own. He therefore hoped that the Government would invoke the power of Parliament to prevent a retrospective effect being given to the decision he had referred to, and that they would introduce a Bill declaring that all documents that were now stamped with proper *ad valorem* stamps should be considered valid, although they did not bear the 35*s*. stamp. As to the future, he thought that this new stamp—for it really was a new one—would fall with peculiar hardship upon leases of small properties and upon the whole of the building trade, which was already in a state of great depression. If, therefore, the Government thought that leases of this description ought to bear a stamp at all, he hoped they would not propose a uniform one of 35*s*., because it was obviously unjust that a man should be called upon to pay a £1 15*s*. stamp whose ground-rent was perhaps £5 a year, when the person who had a house in Belgrave Square, with a ground-rent of £300 or £400 a year paid no more. He must also express his belief that there were many leases, not building leases, but which contained covenants to repair and rebuild, which would come under the new rate if the decision of the Court of Exchequer was to be carried out; and in fairness to the general public he thought that the Government ought to bring in a measure dealing retrospectively with leases, and also dealing with building leases for the future, and with other leases which contained covenants constituting a "valuable consideration." He appealed with confidence to the justice of the Government in this matter, and had therefore abstained from putting any Motion on the Paper; and he hoped that the reply of the right hon. Gentleman would relieve him from the necessity of introducing a Bill himself on the subject, because he was convinced that a question involving such large items of taxation could be much more effectively handled by the Government.

MR. DOWNING said, he thought the hon. Member was entitled to the thanks of the House for introducing this subject. He entirely concurred in all that the hon. Gentleman had said as to the injustice and harshness of the recent decision of the Commissioners of Inland Revenue. He held in his hand a paper that had been drawn up by a number of gentlemen in Cork, who, in 1860, acquired some land in the neighbourhood of that city, and let it out in building plots on leases for 400 years. Fifty leases were granted, and fifty small houses were built, at an average cost of 11*s*. for the legal documents. But if the recent decision were to be acted upon, each of the tenants would have to pay 35*s*., and was also liable for a penalty of £10. He could not believe that the Government intended to sanction such injustice, and its decision was awaited with the greatest interest. He knew a gentleman in Ireland who had been concerned in 200 leases since the Act, all of which had been registered, and it would be a thing totally without precedent if, after registration, their validity were to be called in question upon a point connected with the stamps.

Mr. OSBORNE MORGAN said, that as he understood the case, it was simply this. In 1854 an Act was passed which certainly, read by the light of unassisted reason, imposed an *ad valorem* duty, and that only, on all leases, that duty being six times the amount of the one which previously existed. For fifteen years that construction of the Act was not only adopted by the public and the legal profession, but acquiesced in by the authorities of Somerset House. Building leases were all stamped with the *ad valorem* duty, under the positive authority of the Commissioners of Inland Revenue. Things went on in that way until one day last November some gentlemen at Somerset House, endowed with a peculiar scent for that kind of game, ferreted out the 15th section of the Act, which seemed to provide that any instrument charged with an *ad valorem* duty should, if it contained any further valuable consideration, be chargeable on that account with an additional stamp. The matter was brought before the Court of Exchequer, which decided that the case in question came within the letter of the Act. Let the House consider the consequences of this. Of the 1,000,000 building leases insufficiently stamped a large proportion had been handed about the country, had got into the hands of all sorts of owners, had been mortgaged, had been assigned, and in every case purchasers and mortgagees had got a bad title and security. But the mischief did not stop there, for if they looked carefully to the language of the Act, the same reasoning which applied to building leases applied also to mining and to agricultural leases; because all such leases contained covenants to build, or paint, or do something of that kind. He believed that if this decision of the Court of Exchequer were pushed to an extreme it would invalidate every lease in the country. Who was to bear the expense of setting that right? It was very hard upon a man who bought leases fifteen years ago to find that he could not make them available unless he paid 35*s*. on each. There were those to whom that sum was a serious consideration, and when you came to multiply it by fifty or sixty, you made it a serious matter for another class, while a million times 35*s*. was a very large sum indeed. He was aware that this was a two-edged argument, and that the grand total would be valuable to the Chancellor of the Exchequer, and would, perhaps, enable him to take 1*d*. off the income tax. If that could be done by fair means he should not object; but he maintained that this was a case in which the Government and the Legislature were bound to take retrospective action, upon the simple ground that it was the duty of the Legislature to make these fiscal enactments reasonably plain, and not leave them to be pitfalls for the unwary. It was not right to allow an error committed *per incuriam* in an Act of Parliament to be made use of by the Executive, as it might be in a country attorney's office.

Mr. KINNAIRD said, that he had that day received a letter from the agent of an estate, of which he was one of the trustees, telling him that the effect of the recent decision would be to stop any further building upon it, and the effect would be generally to discourage artizans from buying their own houses—an object which the House had done all in its power to promote. If the Government did not respond to the appeal now made to them he hoped that his hon. Friend (Mr. Bourke) would himself bring in a Bill on the subject.

Mr. DODDS said, that in common with other Gentlemen he had received many communications from the country on the subject, and he was himself practically aware of the injurious results that must necessarily follow if the Government did not listen to the appeals that were now made to them. He believed he was warranted in saying that the judgment of the Court of Exchequer was not acquiesced in by the lawyers of the country generally, and there was a strong impression that, if the matter were carried to another court, a different decision would be arrived at. In 1845 a decision was given in "Nicholls v Cross," which was similar to the Bolton case. A lease had been granted of a piece of land at a yearly rent of £8 there was a covenant to build a dwelling-house of the value of £150; the lease was stamped with the lease stamp; and the question arose whether, in consideration of the covenant, the lease was no liable to additional duty. The Court of Exchequer held that the lease was sufficiently and properly stamped, and did not require an additional stamp. This remained the law down to the passing of the Act of 1854. It would be contended, of course, that the new Act was framed in terms different from those of the old one; but if it had been intended to make such a change as this the officials at Somerset House would have taken care that every lease which came before them was impressed with the additional stamp as well as the *ad valorem* lease stamp. This Act was somewhat of a penal character, and it ought to be construed strictly in favour of the subject. He hoped that the Government would remedy the evils that had been so clearly pointed out by the other hon. Gentlemen who had spoken.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman who brought that question before the House (Mr. Bourke) had stated it so clearly and so fully that it was unnecessary for him to recapitulate the circumstances. He was quite content to take them on his statement with one single correction, and that was, that about four years ago, as he was informed, the Board of Inland Revenue discovered the mistake which they had made, and from that time they uniformly enforced the additional stamp of 35*s*. ["No, no!"] The hon. Gentleman was perhaps better acquainted with the practice of the Board of Inland Revenue than he was; but he could only say that he made that statement on the authority of the officials of the Board. Now, the point to which every speech that had just been made was addressed was this—Hon. Gentlemen said, and said with considerable justice and force, that where a body which was appointed to collect taxes was allowed in the first instance to adjudicate upon them, and had decided that only a certain stamp was required, and in that way misled the public, it would be hard and unfair to go back from such a decision as that and demand the affixing of an additional stamp. He did not see anything to quarrel with in that argument. People were, of course, all bound to obey the law; but it seemed to him that if those who were entrusted with the administration of the law misconstrued it, and so misled the subject, the public might reasonably be called upon to bear the injury inflicted upon them by the mistake of their officers. Therefore, so far as regarded what had been done during the time that the Board of Inland Revenue misunderstood the law and acted upon an erroneous interpretation of it, he thought he might fairly say that the Government would not be disposed to enforce either the tax or the penalty. But a very different set of considerations came into force the moment the Board of Inland Revenue found out their error and enforced the law. ["Oh, oh!"] Hon. Gentlemen who interrupted him must allow him to say that, while they represented a small class, he spoke on behalf of the whole community of this country. The Inland Revenue Board found out their error and enforced the law; and as regarded the period which had elapsed since, he confessed it seemed to him extremely difficult to pass a retrospective Bill for the remission of the additional duty. He could not imagine with what justice they could be at Somerset House enforcing this law, obliging persons to pay the duty, and deciding, as he was told had been repeatedly done for four years, that this 35*s*. stamp must be affixed, and then in deference to the feelings of hon. Members, remitting to other persons that very tax they had been during that time enforcing. It would be an injustice and an unfairness. What they ought to do was, he thought, very clear. The hon. Gentleman who spoke last had questioned the decision of the learned Barons of the Exchequer. He (the Chancellor of the Exchequer) was not a Court of Appeal to sit in judgment upon them; he took their decision as he found it. The learned Chief Baron laid it down that the point was entirely free from doubt, and Mr. Baron Martin, a Judge of great weight, experience, and learning, used these remarkable words—

> "I think this case falls directly within the words of the Act of Parliament, and I should not be at all surprised if the Act were intended to aim at this very case."

That was the decision of the Judges in that case, and he could not himself see that there was any good reason why, from the time when the Government collected the tax on the principle laid down by the Court of Exchequer, they should bring in a measure to remit these taxes. Of course, as far as penalties went, the matter being an honest mistake, it would be quite wrong to enforce them; but it seemed to him that it was their simple duty—his at least, and that of the Revenue Department, in the absence of any directions to the contrary, to obey the law when clearly declared, and to collect the tax, from the period when it had been collected on this principle by the Board of Inland Revenue. For the future, he thought, the subject was one well worthy of consideration. It would be his duty to call the attention of the House in the course of the Session to the whole subject of the Stamp Laws, and then the question of this duty of 35*s.* and its application would definitely and legitimately come before the House, and possibly they might be of opinion that it was altogether of a larger amount than ought to be levied. He hoped the House would consider this statement satisfactory. Meanwhile, having for several years collected the tax on the principle now adopted the Government could not in fairness introduce a Bill to relieve persons from the payment of it without refunding the tax to those from whom it had been taken; though as persons had been misled into believing that they had not to pay it, they had a fair claim to indemnity from penalties, and the Government would be prepared to treat them on that footing.

VISCOUNT SANDON said, he was glad to hear the announcement of the right hon. Gentleman the Chancellor of the Exchequer, as the subject was of extreme interest to his constituents. In Liverpool, under the corporation, hundreds of leases were held which would be liable to this additional duty, though very few required an *ad valorem* duty beyond £1. There were many kinds of leases on a small scale in large towns upon which the tax would press very heavily; and it was an anomaly that, while Parliament was pressing forward town improvements and better dwellings for the sake of the poorer population, the Government should enforce a very doubtful piece of law and more than double the costs of these transactions. He rejoiced to hear that the Chancellor of the Exchequer intended to propose the consolidation of the Stamp Acts, and he hoped this increase of the burdens upon building leases would be taken into consideration, and that the right hon. Gentleman would be inclined to relent as to the four years, for the decision of the Commissioners was not publicly announced, and thousands of persons entered into these engagements without the least idea of the burdens they were incurring.

MR. DILLWYN said, he also hailed with pleasure the announcement of the Chancellor of the Exchequer. The right hon. Gentleman had alluded to what he appeared to think was an error of the Inland Revenue. It seemed to him (Mr. Dillwyn) rather that the Inland Revenue Department had discovered an error which had crept into an Act of Parliament, and intended to take advantage of it, for the benefit of the public revenue. Looking at the debates which took place on the introduction of the Stamp Act of 1854, and the words which then fell from the Chancellor of the Exchequer—now the Prime Minister—that it was not intended to interfere with the laudable desire of working men to possess small plots of land for building purposes — it was clearly the intention of Parliament that the stamp duty should be imposed, not upon building leases, but upon conveyances of real property. He hoped the Government would rectify this error in the Act.

MR. G. B. GREGORY said, he could corroborate the statement of the hon. Gentleman who had just sat down, with respect to the obvious intention of the House when the Act was passed. With the greatest respect for the learned Barons of the Exchequer, he must say that their decision was not generally acquiesced in by that branch of the legal profession to which he belonged. That was not a direct, but an inferential tax, and nothing could be more unsatisfactory than the mode in which it was carried out. He did hope that the Chancellor of the Exchequer would fulfil, before long, the pledge of legislation upon that subject, which the House had been so much gratified to hear.

MR. DENMAN said, he did not rise to discuss the decision of the Court of Exchequer. All that he would say was that it had taken the whole country and the legal profession by surprise, and solicitors in particular were completely paralyzed by it. Though the answer of the Chancellor of the Exchequer was satisfactory as regarded the future, and a certain period in the past, ending about four years ago, it was most unsatisfactory as to the intermediate period, and would leave the practice very vague and uncertain. A lease could not be given in evidence, unless the Legislature made it admissible. Was a Judge to accept or reject a document which, according to this decision, bore an insufficient stamp? According to existing law he must reject it. The right hon. Gentleman said he would apply the test of whether people had notice that the law was to be enforced; but how could any Judge decide that a particular deed was stamped with or without notice? It would be impossible for him to enter into such an inquiry; but, on the other hand, it would be most unfair to make any man suffer unless you could bring home to him a knowledge of the decision of the Commissioners four years ago. They had not received any promise from the Chancellor of the Exchequer that he would deal with the period down to the four years. [The CHANCELLOR of the EXCHEQUER: Yes; I promised to do so.] He had not heard it. However, that was satisfactory so far; but he did not think the right hon. Gentleman could in fairness draw a distinction between the cases of leases before the four years and those stamped with the *ad valorem* stamp after that period.

SIR HEDWORTH WILLIAMSON said, he wanted to know whether those who had taken out leases before the four years were to be let off altogether with their 10*s*., and those who had taken out leases during the four years were to pay the 35*s*., but without any penalty? The Chancellor of the Exchequer was only making a virtue of necessity in remitting the penalty, because it would be impossible to get it from nine-tenths of the people concerned.

MR. ALDERMAN W. LAWRENCE said, the declaration of the Chancellor of the Exchequer would be received with satisfaction as far as it went. But the subject must not be considered as a question of stamp duty merely — of the actual amount of money to be paid—but as a question whether it was right that faith in the securities of the country should be shaken. Until the matter was settled, dealings in those deeds would be brought to a perfect standstill. At present, as the deeds represented property, they were dealt in every day, and money was lent on them. The Chancellor of the Exchequer had not stated with sufficient clearness that the promised Bill should be brought in immediately, in order that the cloud which was hanging over property should be cleared away at once. As things stood at present, insurance offices that had leases brought before them, in order to have money advanced on their security, would feel a difficulty in dealing with them. If the right hon. Gentleman reviewed the whole question he would see that it was of the utmost consequence to thousands of persons that he should not insist on treating leases taken out within the four years in an exceptional manner. He hoped the right hon. Gentleman would feel that this question should not be left over until the general measure was to be brought in.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have no right to speak again; but, as it would not be desirable that there should be any doubt on the subject, perhaps the House will permit me to say a few words. In reply to the question of the hon. Baronet the Member for North Durham (Sir Hedworth Williamson), our intention is this — For the period during which we think that the law and the practice of the Revenue Department have been in unison we propose to collect the revenue just as if there had been no question at all about it—that is to say, the *ad valorem* duty and the 35*s*. stamp. [*Murmurs.*] Hon. Gentlemen will please to remember this, that we have been collecting it during the four years, and if we make a law to exempt persons who have not paid we must refund the money to those who have paid. I beg to assure the hon. Member for the City of London (Mr. Alderman W. Lawrence) that we will bring in a Bill of Indemnity without unnecessary delay.

MR. HIBBERT said, he wished to know whether, after the strong expression of feeling from both sides of the House, it would not be well that leases up to the time when the decision in the Court of Exchequer was given should be relieved from the 35*s*. stamp. That, in his opinion, would meet the views of hon. Gentlemen, and do away with the feeling of harsh treatment which prevailed in various parts of the country in connection with this question. People who had executed leases within the four years would not feel the justice of the distinction which the right hon. Gentleman had laid down. If the Chancellor of the Exchequer did what he (Mr. Hibbert) suggested, it would hardly be necessary to refund the 35*s*. stamp duty to those who had their leases properly stamped, because he believed such cases to be few in number.

Mr. RUSSELL GURNEY said, he could not refrain from expressing the hope that the Chancellor of the Exchequer would listen to the advice given to him from both sides of the House, and would extend the remedy up to the time at which the decision was given in the Court of Exchequer. The right hon. Gentleman said that if he did he should have to refund a certain amount. He should very much like to know what the amount would be. He did not think the right hon. Gentleman need be frightened at the idea of having to refund a very large sum, for he (Mr. Russell Gurney) had not been able to hear of a single person who had paid the duty of 35*s*. It might be true that in some particular cases the Inland Revenue Department had insisted upon that payment; but it did not appear that they had ever made their determination public in any way. He happened to know that so late as 1865 there was a lease at that time brought to the Inland Revenue Commissioners, and they said nothing about that duty being required.

Mr. HUSSEY VIVIAN said, he hoped that however disagreeable the dose offered might be, the Chancellor of the Exchequer would make one gulp of it and swallow it down. He was quite sure the distinction which the right hon. Gentleman endeavoured to draw was so nice that it would not be generally appreciated; and that it would be viewed as an ungracious act on the part of the Government if they attempted to impose this 35*s*. duty, which he thought was a most excessive duty on small leases. There were in his immediate neighbourhood thousands and tens of thousands of leases the ground-rent of which did not exceed 25*s*. a year, and to do what the Chancellor of the Exchequer contemplated would be to impose a tax on the best system of savings banks that had ever been invented in this country. To say to those unfortunate people who happened to have built within the last four years that a sudden light had broken on the Commissioners of Inland Revenue, and that they were to pay 35*s*. extra, would be a most ungracious proceeding. In reality, the Act of Parliament was probably in itself an error.

Mr. GLADSTONE: Sir, I would suggest to the House that it would be an advantage if they would kindly postpone the further prosecution of this discussion until my right hon. Friend brings in his Bill. He has promised to make a proposal, and to make it at the earliest possible day. It will be observed that there are several important matters of fact upon which we are not yet quite clear. Some hon. Gentlemen are under the impression that very few persons have paid the duty in question during the interval since the change of view on the part of the Board of Inland Revenue, while others are under a different impression. Now, we shall have an opportunity of ascertaining how that is, and also what means the public and the profession have had of knowing the change of view. We shall, therefore, be able to approach the discussion hereafter with much greater advantage. I would, therefore, respectfully suggest that it would be for the convenience of the House not to proceed with this discussion at present.

Mr. LOPES said, he thought the Chancellor of the Exchequer was under a misapprehension when he stated that the duty had been demanded during the last four years. He (Mr. Lopes) had that evening presented a petition from 110 solicitors of the city of Bristol stating that up to the time of the case of Bolton, about which the decision had been given in the Exchequer Court, this 35*s*. had in no instance been demanded in Bristol.

NAVY—COASTGUARD.—RESOLUTION.

Sir JOHN HAY said, he rose to bring under the notice of the House the case of Mr. Godfrey Beatson, Civilian Chief Officer of the Coastguard, which appeared to him to be one of peculiar hardship. On the south-west coast of Scotland, including Argyleshire, Ayrshire, and Wigtonshire, the chief officers of the Coastguard were Mr. M'Kerlie and Mr. Beatson, both of whom had always distinguished themselves by their zeal and efficiency. Their duties, as those of other Coastguard officers, were under the Admiralty to train men for the Coastguard, for the Naval Reserve and for other duties; under the Board of Trade to take charge of lifeboats, the rocket apparatus, and in other ways assist in saving life in cases of shipwreck; and under the Treasury to protect the Revenue. It had formerly been the practice to appoint naval officers to commands in the Coastguard; but when Lord Auckland was at the head of the Admiralty a system was commenced of appointing to those commands the officers of revenue cutters, officers of the East Indian naval service, and officers of the Mercantile Marine. He was not there to say that perhaps naval officers were not the best men to appoint. As being more competent to conduct the discipline of the Coastguard and the Naval Reserve naval officers were probably the best; but, granting that, he still thought that when we had good officers who had performed the Coastguard duty well for a number of years, it was hard to supersede them before their full time. In England and Scotland there were sixteen, and in Ireland three, of those Coastguard officers who had not been in the Navy. Last June the Admiralty issued a Memorandum in which it was stated that in future all appointments in the Coastguard service would be for five years, and that no officer then in the service should retain his appointment after the 31st of March, 1874; but what was the astonishment of Mr. M'Kerlie and Mr. Beatson on getting, in January in the present year, a notification that they were not to retain their appointments after the 1st of April in the present year. He believed that other non-naval officers in England and Scotland received a similar notification; but he believed that in consequence of a remonstrance the difficulty was got over in Ireland by placing the three non-naval officers serving there on the books of a naval Coastguard ship, and thus making them naval officers. He did not know whether this was a fact. The salary received by each of the two gentlemen to whom he more particularly referred—Mr. M'Kerlie and Mr. Beatson —was £146 a year, with £9 for a house, £96 for travelling allowance, and £30 allowance for a horse, and each would receive about £100 pension. A commander in the Navy was to be appointed to do the duty of both. He was to receive £500 a year, or £350 a year more than his half-pay. The total pecuniary loss to the country by this so-called reduction, so far as it regarded the station to which he alluded, would be £180 a year. The district to be traversed extended 100 miles as the crow flies; and he thought it utterly impossible that that duty could be performed by one man. It was right to say that Mr. M'Kerlie was fifty-eight years of age, so that he was within two years of the time when he would be entitled to retire on his pension; but Mr. Beatson was only forty-two years of age, and had eighteen years' good work in him. He had been brought up in the Revenue service, and from 1854 to the present time he had served in the Coastguard with a character unimpeached. In the course of his service he had been frequently instrumental in saving life, had been wounded, and had received the thanks of foreign Governments. Could not such an arrangement as had been made in Ireland be adopted in this country and Scotland? He had heard of several other cases of hardship—of men of forty-two or forty-three years of age who would be superseded under the recent Order. He hoped his right hon. Friend the First Lord of the Admiralty would reconsider the matter, and begged to move the Resolution of which he had given Notice.

MR. D. DALRYMPLE, in seconding the Motion, said, he wished to call attention to a case similar to those mentioned by the hon. and gallant Baronet. An officer had held his appointment for nineteen or twenty years, and having received the Memorandum referred to, anticipated that he would not be disturbed for five years, but he also had received short notice to quit. He hoped the right hon. Gentleman would take up these cases, and that he would examine them each on its own merits, and not as a matter of favour, but of justice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient to retire young, efficient, and meritorious officers, and to replace them by others at an increased charge to the public,"—(*Sir John Hay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. F. A. STANLEY said, he wished to call attention to the case of Mr. Fitzgerald, an officer of the Eastbourne district, who had served six years in the Navy, and then entered the Coastguard, with the distinct understanding that he was to serve there till he was superannuated, but whose appointment would come to an end under the new Order, although he was perfectly able and willing to continue in the service, and was only forty-one years of age. He (Mr. F. A. Stanley) thought a considerable injustice was caused where men were retired and charged on the Pension List at an age when they were still able to render valuable service to the country instead of being transferred to other Departments. The cases which had been mentioned deserved the consideration of the Admiralty.

Mr. CHILDERS said, he had some reason to complain of the inconvenient course taken by his hon. and gallant Friend (Sir John Hay), in bringing on the question at that particular moment. His hon. and gallant Friend had joined with another member of the late Board of Admiralty in requesting him to postpone his statement on the Navy Estimates from Thursday to Monday next. After he had consented to do so, it was a little hard that his hon. and gallant Friend should interpose on Friday with a Question of this kind, which he could not answer without entering into a somewhat lengthened statement, and without going into some of the explanations which it would be his duty to give in moving the Navy Estimates. The following, however, were the facts:—The Coastguard force used to be under the Board of Customs, although a certain number of officers were selected by the Admiralty. In 1856 it was decided that the Coastguard should be no longer under the Customs, but should be transferred to the Admiralty, and from that day no civilian officer or man had been appointed to the force. The policy of the Government in making the change was that the Coastguard force, retaining its duties with respect to the protection of the Revenue and to wrecks, should be essentially our First Naval Reserve, and it had been since that time a purely naval force, except as to the civilians whom he had described. There were in 1857 some 1,500 or 2,000 civilians in the Coastguard force and a large number of civilian officers. No civilians had since been appointed, and therefore the suggestion that had been made that some civilians should be introduced from the East Indian and merchant services, so that it should not be a purely naval force, was contrary to the decision of Parliament. When the present Government came into Office last year it was their duty to look very narrowly at the state of the Coastguard force in connection with the efficiency of the Reserves; and it was found that it contained a considerable number of old men and officers, and that it still contained a considerable number of civilians. During the past year he had carefully expurgated the force from beginning to end, and at the present moment, or in the course of a few days, so far as the men were concerned, there would not be a civilian in the whole of the force. It would then consist wholly of ablebodied seamen ready for effective service at sea. Early in the year they had dealt with the duration of the appointment of the naval officers of the force, and the circular which had been alluded to was issued, in which was defined the time during which inspecting commanders should hold their offices, and stating that all the appointments were to determine at a certain date. That circular did not relate to civilian officers, who had held their offices for life, or until they were sixty years of age. Subsequently they found it necessary to deal with the civilian officers. These gentlemen were few in number, but now that there were no men of the civilian class it was considered impossible to retain them, as they had insufficient authority to carry out discipline as naval officers, and if any emergency arose they could not, like the others, go to sea with the men. The Admiralty considered the matter, and the only course that seemed desirable was to abolish altogether these offices, taking care that when they retired they should be fairly compensated. That was a perfectly legitimate and sound policy; but, unfortunately, it affected a few persons of good service and in the prime of life. He should be very sorry if the House took any step by which the great improvement in the Coastguard force should be reversed. On these grounds it was impossible for him to assent to the proposal that the Government should reverse the decision that had been come to; but he had no objection to look into the cases of these gentlemen. With respect to Mr. Beatson, he had satisfied himself that he was a very efficient officer, and had done his duty, and that it would be a pity if he were lost to the public service. Mr. Beatson's case was a very remarkable one. He had been appointed, not being at the time eligible, on account of his father's services, and so anomalous was his case that it led to much correspondence and even a change in the rules. Mr. Beatson was still in the prime of life, and had shown considerable fitness for the public service. In the same way, although he had not had an opportunity of making as full inquiries, there were one or two other civilian officers whom it was proposed to retire, but whom it might be desirable to retain in the public service. He proposed to look into the case of all the officers whom it was proposed to retire at the end of the financial year, and place their names on the list of persons whom, having efficiently served, it would be desirable to re-employ when time and opportunity should serve. Any further engagement than this he declined to give.

MR. CRAUFURD said, he regretted that the hon. and gallant Baronet the Member for Stamford (Sir John Hay) had brought this question before the House with reference to one particular case. Such a course was more likely to injure than to benefit the persons concerned, because he admitted at the outset that the principle adopted by the Government was a sound one. He was glad that the hon. and gallant Baronet had elicited from the right hon. Gentleman the assurance that the cases of these gentlemen would be taken into consideration, and he hoped that he would be content with that assurance, and withdraw his Motion.

SIR JOHN HAY said, that the explanation of the right hon. Gentleman was perfectly satisfactory. He could not accept the objurgations of the hon. Member for Ayr (Mr. Craufurd).

Amendment, by leave, *withdrawn.*

CASE OF MICHAEL ATKINS.

OBSERVATIONS.

MR. NEWDEGATE, in rising to call the attention of the House to the case of Michael Atkins, a prisoner in Warwick Gaol, said he wished to remind the House, that this was not the first occasion on which it had been his duty to represent to the House on the part of his constituency, their apprehension of a miscarriage of justice, owing to the reprieve of persons sentenced to death for murder. In 1867 he mentioned the case of James Scott, who shot his employer at Birmingham, and having been tried and convicted was sentenced to capital punishment; the sentence was unexpectedly commuted, and a Petition was presented signed by 3,000 persons, including ten magistrates, praying for an inquiry into the circumstances which had justified the Secretary of State for the Home Department in respiting the prisoner, and afterwards commuting his sentence. He could not say that the reply of the then Home Secretary the right hon. Member for Oxford University (Mr. Gathorne Hardy), had given satisfaction to the midland counties. At the commencement of the following Session he again brought the subject before the House, and, referring to the opinion of Mr. Baron Bramwell, stated that he considered the manner in which the prerogative of mercy was exercised by the Home Secretary was most objectionable — that it constituted the Home Secretary a court of appeal in criminal cases — a court objectionable for these reasons—that it was private and secret, that only one side was heard, and that there was no power to examine on oath. His constituents felt that the case of Michael Atkins was almost identical with that of James Scott, and were dissatisfied with the course which had been taken. Michael Atkins was tried at the March Assizes, at Warwick, before Mr. Justice Hayes, and his case was fully gone into. The prisoner at first stated that the death of his wife was the result of accident. Now it was a singular fact that a different plea was set up at the trial by a solicitor who had not seen the prisoner until just before the assizes. The impression in the court was that the Judge desired a verdict of manslaughter, but the jury returned a verdict of wilful murder, and sentence of death was passed. The opinion of the whole district was that the verdict was a just one, but to the surprise of everyone the prisoner was respited. It had been his duty to wait on the right hon. Gentleman the Secretary for the Home Department, with a Petition from the inhabitants of Baddesley, which he would now read—

> "In the matter of Michael Atkins, a prisoner at present under sentence of death at Warwick Gaol.
>
> "To the Right Honourable Henry Austin Bruce, M.P., Her Majesty's Principal Secretary of State for the Home Department.
>
> "The Petition of the undersigned inhabitants of Baddesley Ensor, in the county of Warwick, and of the immediate neighbourhood, sheweth—
>
> "1. The said Michael Atkins was tried at the late Spring Assizes at Warwick for the murder of his wife, by shooting her with a gun, and was convicted and sentenced to death.
>
> "2. Your petitioners are informed that the defence set up by the prisoner's counsel in his behalf at the trial was that it was an accident; but the jury after a patient hearing of the case, decided to the contrary.
>
> "3. Your petitioners are further informed that after the trial the prisoner's solicitor forwarded a memorial on his behalf to the Home Secretary, but what were the contents of such memorial, or whether any one on behalf of the prisoner had an interview with the Home Secretary, your petitioners do not know; but the result has been that the sentence of death has not been carried out.
>
> "4. Your petitioners read with astonishment that on Thursday, the 22nd April, the Home Secretary stated, in his place in the House of Commons, that an examination of the evidence had satisfied himself and the Judge who tried the case, that the prisoner had been wrongly convicted, and that the whole affair was an accident.
>
> "5. Your petitioners, and the inhabitants of this neighbourhood generally, concur with the verdictof the jury; but they are now apprehensive that the Home Secretary will advise Her Majesty to grant the prisoner a free pardon, and they consider that if such were to be the case there would be a grievous failure of justice.
>
> "6. Your petitioners object strongly on principle to the verdict of a jury on a matter of fact being practically reversed on reconsideration of the same evidence which was laid before the jury, and in this case they are informed that the prisoner's defence was fully summed up and explained to the jury by the learned Judge, and they believe that a jury of twelve men who had heard and seen the witnesses are the best possible judges of the facts of a case.
>
> "7. If any new facts have been laid before the Home Secretary on behalf of the prisoner your petitioners think that they ought not to be accepted until an inquiry has been made as to their truth, and as to whether there are any new facts on the other side, and that a free pardon should not be granted on such *ex parte* statements.
>
> "Your petitioners, therefore, pray that Her Majesty may not be advised to deal with the prisoner otherwise than as persons found guilty of murder, but not executed, are usually dealt with, and that the verdict of the jury be upheld."
>
> (Signed by S. M. Hallsworth, F.R.G.S., and many others.)

On the 23rd of April, in reply to a Question by the hon. Baronet the Member for Wiltshire (Sir George Jenkinson) the Home Secretary made the following statement:—

> "The third case was that of Michael Atkins, at Warwick, for the murder of his wife, who was respited. An examination of the evidence, confirmed by the opinion of the learned Judge, satisfied him that this man had been wrongfully convicted. The Judge who tried the case stated that the verdict had taken him by surprise, and that the death of the woman was, in his opinion, caused by accident."

Now, according to the best legal advice which he could obtain, if the woman had met her death by accident the prisoner, the mere innocent witness of that accident, should have been immediately liberated. He was, however, detained on the authority of the Secretary of State. At the Autumn Quarter Sessions the question was considered by the justices, and what was their astonishment to receive the following explanation in a letter from the Home Office:—

> "Whitehall, 13th August, 1869.
>
> "Gentlemen, — Her Majesty having been pleased to grant a pardon to the prisoner named on the margin (Michael Atkins), on condition that he be imprisoned and kept to hard labour for the term of one year, to be computed from the date of his conviction, I am directed by Mr. Secretary Bruce to request that you will cause the prisoner to be warned at the expiration of his sentence of imprisonment that on account of the public feeling which exists in the place where the death of his wife occurred, it would be imprudent for him to return there.—I am, Gentlemen, your obedient servant, "A. F. O. Liddell.
>
> "The Visiting Justices of the County Prison, Warwick."

It thus appeared that the original sentence had been commuted to one of hard labour. Murder was an offence of which a man must either be guilty or innocent, and if the man were innocent he should have been liberated at once. The sentence awarded by the Home Secretary would have been appropriate for the crime of manslaughter, but he did not know under what power or statute, or under what principle of law, the right hon. Gentleman could convert a verdict and sentence of murder into a verdict and sentence of manslaughter, and then inflict a penalty for the latter offence. He did not deny the almost unlimited power which the Home Secretary possessed in the exercise of the prerogative of mercy, but it had certainly astonished all with whom he had conversed upon the subject, that after having respited the man for months, the Home Secretary should have suddenly declared that he was guilty of an offence for which he had never been convicted, and for which he had never been sentenced. Early that evening he (Mr. Newdegate) had received information that the prisoner had been liberated—he supposed, at the expiration of the term of one year dated from the conviction—but of that he was not certain. Up to that morning the information he possessed led him to suppose that the man would not be liberated until the end of this or the beginning of next month. The officials of the gaol had used every attention to prevent the man from going back to Baddesley—the parish where the poor woman met her death, but all their efforts had been unavailing. The man was of a peculiar character, and not easily controlled, and though he had been offered money and an outfit to emigrate, he had refused them. If his information were correct, the man was within two miles of Baddesley yesterday morning, and it was said that he was going on to that place. He (Mr. Newdegate) was sorry to say, however, that the inhabitants of Baddesley, and the immediate neighbours of Atkins, felt strongly that the verdict of the jury ought to have been upheld, and it was apprehended he would meet with violence if he attempted to return to that place. This was altogether a remarkable case. The right hon. Gentleman would have the opportunity of stating what new facts had been submitted to him, but he (Mr. Newdegate) had not heard of any new fact whatever that had come out since the trial. He held in his hand the assurance of his brother justices with whom he had acted for years—some of whom had held judicial offices abroad, and who were thoroughly competent magistrates—that the allegation that the affair was the result of accident was fully brought out before the Court, and that the late Mr. Justice Hayes, the Judge who tried the case, took particular pains to elicit that phase of it, and yet the jury came deliberately to the opinion that the poor woman met her death by a wilful act of violence. He had stated these facts plainly and strongly because this was not the first time that the inhabitants of the midland counties had felt themselves aggrieved by the manner in which the verdicts of juries and the sentences of Judges in capital cases had been dealt with by the Home Secretary. He hoped the right hon. Gentleman would state what new facts had come under his notice, and what it had been that had determined the Judge to recommend the reversal of the sentence he had pronounced, and what had induced the right hon. Gentleman himself to exercise the prerogative of the Crown, not in the ordinary way by a free pardon, but by a tardy commutation from one punishment to another.

Mr. BRUCE: Sir, considering how strongly the hon. Gentleman views the impropriety of my conduct in remitting this sentence, it seems rather strange that he should have allowed his indignation and dissatisfaction to slumber for so long a time as a twelvemonth, but I trust the explanation I shall give will allay his misgivings altogether. The case is a very simple and a very clear one. The hon. Gentleman has mentioned another case which he says excited great local dissatisfaction, where a right hon. Gentleman—a predecessor of mine—extended the mercy of the Crown to a man convicted of murder. But that was a case where the murder had been committed in open day, and where there was no question of fact in dispute at all, the only question being whether mercy should so far be extended to the criminal as to prevent the sentence of death being carried out. In this case, however, the only question was a question of fact—had a murder really been committed or not? The trial took place on the 1st of March; and it was on the 6th of March, before any petition had reached me, or before any person whatever had seen me with regard to it—indeed, I believe I saw nobody on the subject but the learned Judge himself—that a letter came to me from the learned Judge, in which he expressed his surprise at the verdict given by the jury, and his strong hope that the sentence of death would not be carried out. As the hon. Gentleman has suggested, the belief expressed by the learned Judge in his letter, and, indeed, my own personal opinion after consideration of the evidence, was that this lamentable event was the result of an accident. Now, what were the facts of the case? This man Atkins had been married about two years. During the earlier portion of that time there had been constant misunderstandings and quarrels between him and his wife, but for the last six months of their married life the evidence showed that they had lived happily together. She was expecting her confinement every day when this event took place. On the day of her death, it was proved in evidence, he came to her with his week's wages; and it was also proved—or rather, I think, it came to my knowledge subsequently, and was not given in evidence—that he had been endeavouring to purchase for her a little dog which he thought she would like to have. Between ten and eleven o'clock at night a shot was heard, and the neighbours in the next house, the walls being very thin, heard Atkins exclaim, "Oh, Harriet, Harriet—let no man say that I killed you." He went out into the street and met a man, to whom he said—and this really constitutes the only evidence in the case against him—that his wife had shot herself. He took no steps whatever to support that statement, inasmuch as the gun from which the shot had been fired was found hanging upon the peg where it usually rested. The learned Judge summed up, as he said in his letter, not for a conviction for murder, but rather for a verdict of manslaughter. He told the jury that if they were not satisfied of the evidence of murder, there were circumstances which would justify a verdict of manslaughter, inasmuch as culpable negligence had been proved against the prisoner. The man had been in the habit of going out poaching at night. He had a gun which had been recently mended, and the man who mended it had warned them both to be very careful with it, because the lock was so weak that the gun might very easily go off. The statement of the man, which was believed to be true by the learned Judge, was, that his wife, being near her confinement, was nervous, and had endeavoured to prevent him from going out poaching; that there had been a struggle for the possession of the gun, and that the gun had gone off accidentally, when the man, horrified at what had happened, rushed into the street, and fearing that suspicion might be thrown upon himself, he then and there attributed his wife's death, not to accident, but to her own act. The learned Judge having stated his opinion to me, I appeal to the experience of those who have filled this office before me, and to the experience of those who have observed these cases, to say whether it would have been possible for the Secretary of State for the Home Department to have permitted the sentence of death to be carried out. The learned Judge displayed the utmost anxiety that it should not be carried out, and I do not believe that a case has ever occurred, since the power of dealing with sentences was placed in the hands of the Secretary of State, in which a sentence of death has been put in force against the opinion of the Judge who tried the case. Now, for the latter part of the case. The hon. Gentleman says that if the man was not guilty his position was one greatly to be pitied, and he should have received a free pardon. Such, indeed, was my own view at first, and that was embodied in the first Minute which I wrote of the case. But when I consulted the learned Judge, he said that in his opinion there had been an amount of culpable negligence on the part of the man that justified the infliction of some punishment upon him. He said he had told the jury that they might find a verdict of manslaughter, inasmuch as there had been that culpable negligence; and upon my asking him what sentence he would have passed upon the prisoner if a verdict of manslaughter had been returned by the jury, he said he would have imposed a sentence of either twelve or eighteen months' imprisonment. I appeal to the House to say what anyone invested with the responsibility of the office I hold could have done under these circumstances. The position of a Home Secretary is a very difficult one. He is often accused of acting in secret and upon his own mere opinion. No doubt secresy is imposed upon him; but it is his duty, and I know it has been the practice of all who have held the office, to obtain the best advice, and above all the advice of the Judge, as to what should be done in such a case. I think the House will be of opinion that I could not do otherwise than act upon the opinion of the learned Judge. Such is a simple statement of the case. With respect to the letter written to the visitors of Warwick Gaol, I think the hon. Gentleman has not been altogether candid. He must know very well that that letter was written in consequence of a letter addressed to me by the rector of the parish. [Mr. NEWDEGATE: I was not aware of that.] The rector wrote to tell me that the state of feeling in the parish was strongly against the man, and that it was of great importance that he should not return while that state of feeling existed, and I therefore felt it to be my duty to write to the visitors of the gaol, expressing a hope that when his sentence expired he should be warned of the existence of that feeling, in order that he might go elsewhere. I rejoice to hear that efforts were made to provide him with the means of going elsewhere. [Mr. NEWDEGATE: Made by our own body.] I have now only to explain how it was that I was unable to give a precise answer to the hon. Gentleman when he asked me whether the prisoner had or had not been released. The fact was that it was impossible for me to contradict the statement that he had been released, or to assert that he had. The sentence was passed on the 1st of March, but as the conviction dates back to the first day of the assizes, and as I did not know how long the assizes might have been sitting when the trial took place, it was impossible for me to say whether or not the man had been already liberated. My first impression was that he was still in gaol; but it is possible that the hon. Gentleman's information may be correct, and that he had been seen in his native parish. It is very possible there may be a strong feeling against the man in his native parish; but I trust that when the report of the present discussion has been published, and the reasons for the revision of the sentence become known to the inhabitants, that state of public feeling which has been described by the hon. Gentleman as dangerous to this man's safety will be greatly mitigated, and eventually pass away. In conclusion, I can only repeat that, under the circumstances, it was impossible for me to act otherwise than I have done.

Original Question, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

WAR OFFICE BILL—[BILL 30.]

(*Mr. Cardwell, Captain Vivian.*)

COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Appointment of Financial Secretary of War Office.)

MR. SCLATER-BOOTH said, he was desirous of further information concerning the precise duties to be imposed on the Financial Secretary. He understood the right hon. Gentleman to say yesterday evening that the Clerk of the Ordnance would prepare and be responsible to the Secretary of State for the Estimates. Now, he desired to know whether the duties of the Financial Secretary would clash in any way with those of the Under Secretary of State; also what distinction the right hon. Gentleman drew between the responsibility of the Clerk of the Ordnance and of the Financial Secretary? Then how could the Under Secretary of State have any position at all unless he were in some way connected with the Estimates, and, in the event of his sitting in the House of Commons, how would his functions be distinguished from those of the Financial Secretary? The House ought also to be informed why it was considered necessary that this new financial officer should have a seat in Parliament. The right hon. Gentleman had stated that he required assistance in conducting the business of his Department in the House; but nevertheless it had not been explained why the right hon. Gentleman deemed it expedient that the Financial Secretary should go out of office with the Government. It appeared to him that it would be a very serious and important change to make so many of the principal officers in the War Office removable with the Government. A parallel had on the previous evening been drawn between the War Department and the Admiralty; but it ought to be borne in mind that although the Secretary of State for War must, in order to save time, have assistance in conducting business in the House, yet he was a great officer in himself, and was not at all in the same position as the First Commissioner of the Treasury or the First Lord of the Admiralty.

Mr. CARDWELL said, he should be extremely happy to give the desired explanation, though he feared it would be a mere repetition of what he stated last night. It was, in his opinion, desirable that the Financial Secretary should have a seat in the House, because it was highly important that the control and superintendence of the House of Commons over the finances should be immediate and direct. Everyone who was acquainted with the weight of the financial business transacted at the War Office must acknowledge the necessity of having an officer particularly charged with information to assist the Secretary of State and make explanations in that House. The Office, he feared, might break down, even in time of peace, and he was convinced it must do so in time of war, unless increased assistance were provided. The proposed new officer would not have sufficient authority unless he occupied a seat in that House, and was in direct communication with it. With regard to the distinction between the two officers, he would remark that he did not state yesterday evening that the Clerk of the Ordnance would be responsible for the whole of the Estimates. On the contrary, he said that he would only be responsible for the Estimates for the Control Department, or rather for their first preparation, and that for the final review of the Estimates the Secretary of State would be responsible, he having previously received the report of the Financial Secretary. That appeared to him to be a very clear distinction, and one which it was very important for many reasons to maintain. Then with regard to the Parliamentary Under Secretary, he had before stated that in all probability the Secretary of State would usually sit in this House in consequence of the great expenditure of the War Department; but whichever House the Secretary of State sat in, the Parliamentary Under Secretary would be the principal representative of the Department in the other House. With regard to the number of Parliamentary representatives of the War Department, they were much more numerous a few years ago; and it had been frequently stated in the course of these discussions that much greater economy would have been effected in the Department if so much diminution of Parliamentary power had not occurred. He thought there was some truth in that remark, and believed that if the changes proposed by the Bill were adopted, great economy would be the result, to say nothing of other advantages.

Mr. HUNT said, that when he was at Downing Street an investigation was going on with regard to the War Office, and he trusted, therefore, that he might be allowed to ask the right hon. Gentleman one or two questions. One of the great points formerly raised had reference to the relations which ought to subsist between the Controller-in-Chief and the gentleman who undertook the financial arrangements under the Secretary of State. After some discussion between the Treasury and the War Office, it was agreed that there should be an officer at the War Office to look after the financial arrangements, and that he should be equal in authority to the Controller-in-Chief. It was also laid down that he must be a civilian. Mr. Douglas Galton, who held that office before the Control system was established, had quitted the War Office, and been appointed to a situation in the Office of Works. He wished, therefore, to know whether the office which that gentleman had held had been abolished, and whether one of the new officers was to be considered as occupying his position? He wished also to learn from the right hon. Gentleman whether the Financial Secretary would have co-ordinate authority with the Clerk of the War Office; whether all matters of expenditure would be submitted to his observation before they were reviewed by the Secretary of State; and, finally, whether he would always be a civilian?

Mr. CARDWELL said, that the office previously held by Mr. Douglas Galton would not be filled up, and the Financial Secretary would discharge the duties. It was intended to define the precise nature of the duties of the several officers by Orders in Council, which would be laid upon the table. He could not recollect how far the duties precisely answered to the Treasury Letter to which his right hon. Friend referred; but he was certain that the intention was to make the officers of equal authority and rank, and the final financial form of the Estimates would come under the notice of the Financial Secretary. He must, however, guard himself against being supposed to say that any of the business would be done twice over, and that what was done by one officer would be done over again by another. But he did intend that the financial control should be complete, and that the Secretary of State should be the person to decide in case any question for decision should arise.

MR. HUNT said, his right hon. Friend had not distinctly answered the question whether the Financial Secretary was always to be a civilian, as proposed in the Treasury Minute, and accepted by the War Office?

MR. CARDWELL said, he was not aware that it was intended to appoint any one but a civilian. At any rate, whoever was appointed would be a Member of that House, and would, he trusted, enjoy the confidence of Parliament.

Clause *agreed to.*

MR. HUNT said, he wished to ask whether there had been any correspondence between the War Office and the Treasury upon this subject; and, if so, whether it would be laid upon the table before the discussion on the Bill was resumed?

MR. CARDWELL said, in reply, that the principal official correspondence related to the formation of a Committee, of which Lord Northbrook was the Chairman, and his right hon. Friend (Mr. Stansfeld) was a member. When their Report had been considered by the Government, it would be laid upon the table—certainly before the third reading of the Bill.

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

COINAGE BILL—[BILL 13.]

(Mr. Chancellor of the Exchequer, Mr. Stansfeld.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

MR. HUNT said, he did not rise for the purpose of opposing the Bill, but to make one or two remarks with regard to some of the clauses with a view to their amendment before the next stage. For the chief part, it was a Consolidation Bill; but the principal portion in which there was any change was that in which the office of the Master of the Mint was conferred upon the Chancellor of the Exchequer for the time being. He was not aware that there was any objection to that proposal; but he did not suppose it was intended that the Chancellor of the Exchequer should be the "Worker" as well as the Master and Warden of the Mint. He did not understand that the right hon. Gentleman himself intended to "work" the Mint. It would therefore be better if that expression were taken out of the Bill. In the patents under which the Master of the Mint was appointed there had hitherto been a condition inserted providing that he should give a security of £2,000 for the discharge of his duties. He did not see that the right hon. Gentleman had provided that any security was in future to be exacted from the Chancellor of the Exchequer; but the right hon. Gentleman possibly might have thought that, as no salary would be attached to the office, no security ought to be insisted upon. Again, by the 9th clause, it was provided—

> "Where, after the date in that behalf fixed by a proclamation under this Act, any person or body brings to the Mint any silver bullion, such bullion shall be assayed and coined, and delivered out to such person, at the rate of 62*s.* for every 5,760 grains Imperial weight, or 373·24195 grams metric weight, of silver bullion of standard fineness so brought, in whatever denomination the same is coined."

By the law as it at present stood the bullion was to be assayed and coined at the rate of 66*s.* for every pound troy, a seigniorage of 4*s.* being exacted by the Mint. He presumed that the present rate was to be continued, and, if so, there was some obscurity in the wording of the clause. The fifth paragraph of the 12th clause provided that it shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time by proclamation—

> "To direct that any coin of mixed metal shall be current and be of a legal tender for the payment of any amount not exceeding the amount specified in the proclamation, and not exceeding £2."

The amount of £2 rather tended to point at silver coinage, for that was the amount for which silver coinage was a legal tender; but by "mixed metal," silver coinage could hardly be meant, and it would be well to define the term in the interpretation clause so as to make it exclude silver coinage. With regard to the sixth paragraph, which provided—

> "That coins coined in any foreign country shall be current, and be a legal tender, at such rates, up to such amounts, and in such portion of Her Majesty's dominions as may be specified in the proclamation,—"

It might occasionally be necessary to make foreign coins a legal tender in some of our colonies, but such a course had never yet been deemed requisite in this country, and if anything of the kind were done it should be done not by proclamation, but by Act of Parliament. He would ask whether it was intended under this clause to make foreign coins at an early date legal tender in this country, and, if not, he would suggest the substitution of "British dominions" for "Her Majesty's dominions," as the former term was explained in the interpretation clause to relate to the colonies.

MR. HERMON said, that the 8th clause, in stating that silver coins would be received, and an equal amount given in exchange, could scarcely intend to imply that the same number of new silver coins would be exchanged for old ones irrespective of weight. He would therefore suggest the employment of the words "equal in weight," instead of "equal in amount." The word "shall" in the second section of Clause 7, which would render it compulsory upon every person taking coins not of the legal weight to break them, might, he thought, with advantage be altered to "may."

THE CHANCELLOR OF THE EXCHEQUER: That is the law at present.

MR. CRAWFORD said, that Clause 7, no doubt, was in perfect conformity with the law as it now stood, but it would be desirable that the law should be more clearly defined. Under the clause in the Bill, if a person were to give a light sovereign at a railway station the clerk would be bound to cut and deface it, or if he himself were to lose a bet to his right hon. Friend, and were to pay him with a light sovereign—which he certainly should do if he could—his right hon. Friend would be bound to deface it, or failing to do so, would be liable to be indicted for a misdemeanour, and possibly brought before two justices to be dealt with at their discretion. The law upon this point affected bankers, and others who were in the habit of receiving large sums of money, very seriously. There could be no doubt that the state of the gold coinage was most unsatisfactory, and it was perfectly well known that in large banking establishments, where it was impossible to guard against the taking of light coins over the counter, serious losses were yearly experienced. In the case of the Bank of England alone the loss suffered from this cause was between £4,000 and £5,000 a year. They, perhaps, were exceptionally placed in this matter; but the way in which other banking establishments were, to some extent, enabled to protect themselves was that they were fortunate in possessing customers who had to pay large sums in wages every week, and by this means it happened that much of the light coin was passed again into circulation. There could be no doubt that this clause in the Bill raised the whole question of light coin. It was a serious question, and he remembered that in 1843, when it was last under consideration, great discontent was occasioned. But it was one which, sooner or later, his right hon. Friend would be compelled to face. The point in the Bill, however, which would chiefly need consideration was the 12th clause, referring to the regulations by proclamation. The third head in that clause would enable Her Majesty, with the advice of the Privy Council, to determine the current weight of any coin, not being less than the weight (if any) specified in the first Schedule to the Act; whereas the 3rd clause provided that all coins made at the Mint of the denominations mentioned in the first Schedule should be of the weight and fineness specified in that Schedule, and that the standard pieces of coin should be made accordingly. There was here a contradiction in the terms of the Bill which, if not removed, would lead to considerable misapprehension. Again, the terms used in the 6th head of Clause 12, in reference to coins coined in any foreign country, gave rise to the impression that it was intended to legalize the introduction of particular coins into this country. At least, the necessary power for that purpose was reserved. If any such intention was entertained, it ought to be stated frankly to the House; and he begged, therefore, to ask his right hon. Friend directly whether it was intended to introduce the new 25-franc piece? [The CHANCELLOR of the EXCHEQUER: Certainly not.] He was glad to receive that assurance. But the suggestion that foreign coins might be put in circulation in this country was not a mere surmise, for in 1797, when, during the war, there was a great scarcity of silver coin in this country, between 2,300,000 and 2,400,000 Spanish dollar coins were rendered current after receiving the stamp of the Mint, which consisted in having the head of the Sovereign imprinted on the neck of the Spanish Sovereign. These dollars were made current at the rate of 4*s.* 9*d.*, and supplied a great want at the time. He concurred fully in the object of the Bill, so far as it referred to not filling up the vacancy caused by the death of Mr. Graham, and to the consolidation of the laws on the coinage. On the whole, the Bill seemed to realize the object which the right hon. Gentleman had announced his wish to attain when he obtained leave for its introduction.

MR. BARNETT said, that those who, like himself, were engaged in the transmission of coin from one hand to another, looked with some anxiety upon the terms of the 7th clause. It was most desirable that bankers and the public should know exactly to what penalties the Bill would render them liable. It was a thing to be lamented that so much light coin was in circulation; but in the ordinary mercantile and business transactions of life it was impossible to subject coins to such an exact scrutiny as the Bill seemed to contemplate.

THE CHANCELLOR OF THE EXCHEQUER: Sir, if the object of this Bill were to draw up a new code of regulations for the Mint, there are many things in it which I should desire to alter. The object, however, was simply to gather together and to present to Parliament in a single Act the whole of the law, as it stands with relation to coinage, a thing which has never been done before. This Bill has been compiled from a variety of sources—Orders in Council, Mint Indentures, and Proclamations as well as Acts of Parliament—and embodies a great amount of financial lore which previously was simply inaccessible. The object I had in view was to gather all these together, so that the House and the public might have, for the first time, a view of what the law relating to the Mint really is. The 7th section, at which hon. Gentlemen have expressed alarm, I do not press at all; I should not have made it a misdemeanour not to deface light coin. It appears in the Bill because it is the law; but I have never heard of any one being so charged. We may do one of two things with regard to it; we may either leave it out altogether, or we may retain the clause, and insert in it some small penalty to be recovered before justices that shall be a reality. As to light coin, I have no wish to prejudge that question at all. I very much doubt, at the same time, whether any law that may be enacted will induce people to refuse money which they think they can pass again, or to disoblige customers by breaking up their money before their faces. I am very much obliged to hon. Gentlemen for the care with which they have read this Bill, and for the valuable criticisms which they have offered. Of these I shall endeavour to avail myself as far as possible, and with that object I propose to commit the Bill on Monday—not for the purpose of going on with it then, but of introducing such Amendments as I hope will enable it to pass with the least amount of trouble. As to the word "worker," the right hon. Gentleman is perfectly correct in his criticism; it is the old style of the office, but there is no reason why it should longer be retained. That officer was really one who worked as a contractor for the Government. Then, as to the security, I left that out, partly for the reason which the right hon. Gentleman suggests—in the spirit of the Latin proverb, *qui non sentit commodum non debet sentire et onus*—but chiefly because the transactions are upon such a scale that if any defalcation at all were to take place it would probably be upon so enormous a scale that any security which could with reason be asked—I do not say from myself merely, but from any public officer—must be altogether insignificant by comparison. I therefore did not think it worth while to put in a clause upon the subject. Clause 8 was very properly included by the draftsman; but, practically, I believe the coin is brought to us by the Bank of England, who get new shillings for old ones. That clause, however, is also one which may be included in the reconsideration which we shall give to the clauses generally. It is quite necessary that the standard of value being gold coin should be protected by the strictest safeguards, and there has been a disposition to apply the same rule to silver; but silver is not a standard, it is only a token. The reason, therefore, for regulating the right to obtain a certain number of sovereigns according to the exact amount of gold delivered does not apply to silver. For that reason I should propose to leave out that part of the clause relating to the coinage of silver bullion —"It shall be assayed and coined at the rate of 62*s*.," that is, we give 62*s*. and keep 4*s*. for ourselves. The clause has always been a dead letter, and it had better be omitted. It is better to leave the Mint free in regard to silver, to act without any clause in the Act of Parliament. Then with regard to the question raised by my hon. Friend the Governor of the Bank (Mr. Crawford), as to increasing the current weight of the coin, all these powers seem very large, but they are powers which Her Majesty already possesses. She has very large prerogatives in the matter of money, and if they were not recited in the Bill it might be supposed that we were anxious to impose restrictions upon them. But the object of this particular clause is, as was proposed by the International Congress which recently sat at Paris, that the amount of alloy should be altered in the coin from 11-12ths to 9-10ths, the amount of gold remaining exactly the same. That would increase the bulk of the coin, and if in future it should be thought necessary to alter our coin in that respect — as the International Congress thought would be very desirable — we should then have power to alter the size though not the value of the coin. That is the explanation I have to offer of that part of the Bill. Then, as to another point, the Queen has now, I apprehend by prerogative, a power to introduce into any of her dominions any coin she pleases. That right has frequently been acted upon in the Colonies. There is nothing more curious than the history of the colonial coinage. In New South Wales it consisted of a dollar and a dump, or a piece of silver punched out of the dollar. The dollar circulated for so much, and the dump for so much less. That was at first the whole coinage of New South Wales. The House need not be jealous of this power. It could only be exercised by proclamation of the Privy Council. These provisions were put in the Bill, not from any value attached to them, but because they were part of the existing law, and I felt I should not have been justified in announcing a Bill for consolidating the Law relating to the Coinage had I excluded these matters. I am not aware that I have omitted anything calling for explanation; if any hon. Member wishes further explanation, I shall be happy to give it. One thing I have myself observed in the Bill which I wish to alter. The Treasury has certain powers of controlling the Mint and the Pyx, and the Master of the Mint being represented by the Chancellor of the Exchequer for the time being, that would seem as if the Chancellor of the Exchequer was to act as a check upon himself. I therefore propose to transfer the powers under Clause 14 to the Privy Council, to act by Orders in Council. There are several minor alterations which I intend to make in the Bill which I need not now explain. I propose, if the House will permit me, to go into Committee on Monday *pro formâ*, when I shall name a day as soon as possible to go on with the Bill, as considerable inconvenience may arise from keeping matters as they at present are. Only the other day an application was made to have a quantity of gold bullion coined. I stated that this could not legally be done while the question as to the Master of the Mint remained unsettled, and the reply I received was a threat that an action should be commenced against me.

Motion *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

CLERICAL DISABILITIES BILL.—LEAVE FIRST READING.

Acts read; *considered* in Committee.

(In the Committee.)

MR. HIBBERT, in moving that th Chairman be directed to move the Hous that leave be given to bring in a Bi for the relief of persons admitted the office of Priest or Deacon in th Church of England, and desiring to r linquish the same, said, that by the 70 canon it was provided that no deac or priest who had been admitted Holy Orders should henceforth volu tarily relinquish the same and use hi self as a layman. In addition to tha Horne Tooke's Act, passed in 1801, di abled persons in Holy Orders belon ing to the Church of England from s ting in that House. And later, by t Municipal Corporations Act persons in Holy Orders were excluded fr holding municipal offices. Those were the three great disabilities under which clergymen laboured, and from which he wished to relieve them. He was anxious, by some formal and legal method, to allow those who had taken Orders, either as deacons or priests, to relinquish their offices in the Church, and thenceforward to become laymen. Of the number of 20,000 clergymen in this country who at the early age of twenty-three had taken deacon's orders there were, no doubt, a considerable number who wished to retire from the ministry. Some had applied for admission to the Inns of Court. A few years ago they could not be admitted; but since then the whole of the Inns of Court had passed resolutions enabling clergymen to be called to the Bar, of course laying down certain rules for their government while at the Bar. There were others who, having entered the Church, had, in the course of time, become possessed of considerable property owing to the death of elder brothers. They had relinquished, as it were, their position in the Church and become landowners. These two bodies of persons, whom this Bill would relieve, would resume the position of laymen. At present a clergyman might be called to the Bar; but however distinguished he might become he could not be admitted to a seat in that House. Then there were numbers of gentlemen who from conscientious motives wished to leave the Church—or, rather, to relinquish their active duties in the Church and become laymen, and the Bill would enable them to do so. In the interest of the Church it was not desirable to retain as ministers men who no longer desired to perform the duties of the office. The Bill would, therefore, provide that a person wishing to relinquish the position of a clergyman of the Church might execute a deed of relinquishment of his office, which should be enrolled in Chancery, an official copy being delivered to the Bishop of the diocese where the clergyman last held preferment. After the expiration of six months from the reception of the deed the Bishop would cause the deed to be registered in his diocese, and then the person who executed the deed would cease to enjoy the rights, privileges, and exemptions attached to the office of minister of the Church, and would also be freed from the operation of the two Acts of Parliament he mentioned. To meet the views of a certain portion of the Church the Bill contained a clause to enable the persons who had so relinquished the office of clergyman to execute a deed of revocation of the former deed, supposing that they desired to act again as ministers; and if the Archbishop and Bishop of the diocese consented to their again returning they would be able to do so, but they would not be enabled to hold any preferment for two years after the reception by the Bishop of the deed of revocation. He believed that the Bill, or, at any rate, its introduction, would not be objected to by the Government, and he trusted that the same feeling which had actuated the House in doing away with grievances affecting various classes would also animate it to remove the grievances of those gentlemen who, having once joined the Church as ministers, wished to retire from the office.

MR. WALPOLE said, he did not rise to oppose the Motion for the introduction of the Bill, because he was well aware that there were some disabilities, as pointed out by the hon. Gentleman, under which ministers of the Established Church are said to labour, and from which they might, with proper checks and guards, be relieved. But there were many considerations that would have carefully to be taken into account before such a Bill as this was passed. The hon. Member said that the Government had no objection to the measure. He (Mr. Walpole) did not see any Cabinet Minister present; but he should like to hear an authoritative statement upon this matter, since this was a subject upon which the House would naturally look for their direction and guidance. Perhaps the Secretary to the Board of Trade would direct the attention of the Government to the subject. One point which he thought ought to be borne in mind was—namely, that it was not either for the interest of the Church or of those who undertook the office of minister of religion that too great facilities should be given them for relinquishing their office without just cause. The hon. Gentleman had pointed out that clergymen were bound by a solemn vow, and that as the law at present stood they could not release themselves from that vow during the whole of their lives. Now, what the hon. Member proposed to do was to introduce a serious change in this respect. But it appeared to him

(Mr. Walpole) that if gentlemen were to be allowed to enter the Church, and then to retire from their sacred office without adequate reasons, or even without assigning any reason whatever, it would be most objectionable that they should play fast and loose with so sacred a profession. In his opinion, no one ought to enter into Holy Orders unless he was deliberately determined to follow that profession; but this would hardly prove to be the case if the Bill were passed. As he had said, that was not all. The hon. Gentleman's Bill proposed to allow ministers of religion not only to retire from their profession without assigning any adequate reason, but it gave them leave to return to it. He feared that if such a proposal were sanctioned, there would be considerable risk of clergymen retiring from the Church, and adopting another profession by way of experiment, and then if the experiment failed going back again to their former profession. He had no wish to place difficulties in the way of legitimately relieving persons from disabilities; but he objected to playing fast and loose with so sacred a matter as the holy office in question. He would give the Bill his best consideration; but he could not pledge himself to support it unless restrictions which it did not appear to contain should be introduced.

Mr. STANSFELD said, he did not intend to discuss the merits of the proposed Bill at present; but, as the absence of the Cabinet Ministers had been alluded to, he thought it right to state that the Notice of Motion for the introduction of the Bill had not escaped the attention of the Prime Minister, who thought it desirable that the measure should be laid on the table, so that the House might have the opportunity to form a better opinion as to its provisions than it could do at the present moment. There was no doubt that, on the proper occasion, the weighty remarks of the right hon. Gentleman would receive due attention.

Motion *agreed to.*

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for the relief of persons admitted to the office of Priest or Deacon in the Church of England, and desiring to relinquish the same.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Hibbert, Mr. John Lewis, and Mr. Biddulph.

Bill *presented,* and read the first time. [Bill 49.]

SUMMARY CONVICTIONS BILL.

On Motion of Mr. Denman, Bill to amend the Law relating to first Convictions for certain Offences, *ordered* to be brought in by Mr. Denman, Mr. Cross, and Mr. Hibbert.

Bill *presented*, and read the first time. [Bill 50.]

House adjourned at half after
Two o'clock till
Monday next.

HOUSE OF LORDS,

Monday, 28th February, 1870.

MINUTES.]—Public Bills—*Second Reading*—Dissolved Districts and Unions * (15).

Committee — Sunday Trading (5-19); Judges' Jurisdiction (10-20).

Third Reading—Provisional Orders Bills (Committees) * (11), and *passed.*

SUNDAY TRADING BILL—(No. 5.)

(*The Lord Chelmsford.*)

COMMITTEE.

House in Committee (according to Order).

Clause 1 (Penalties for selling, offering, and exposing for sale) *agreed to.*

Clause 2 (Certain cases to which this Act does not apply).

The Earl of KIMBERLEY *moved* that the sale of all excepted articles be permitted till 10 a.m., instead of, in some cases, 9 a.m.

Amendment *agreed to.*

The Earl of AIRLIE proposed that butter and eggs be included among the excepted articles.

The Earl of KIMBERLEY said, he thought there was something to be said in favour of butter, it being a perishable article; whereas eggs could be kept a considerable time.

Lord CHELMSFORD objected to the Amendment, which it was understood was not pressed.

Clause, as amended, *agreed to.*

Clause 3 (Provisions as to distinct and separate offences).

The Earl of KIMBERLEY proposed the omission of the words "nor less than 20*s.*," urging that the magistrates should have a discretion as to the amount of penalty.

LORD CHELMSFORD explained that he had inserted the words on account of this being the penalty under the statute of Charles II., which he did not propose to diminish.

THE EARL OF KIMBERLEY said, he did not see why Parliament should be bound by that statute, for people, it was to be hoped, had grown wiser during the last 200 years. Under this, as under any Act, cases of hardship might arise, and it was better to give the magistrates a discretion.

Amendment *agreed to.*

Words "or in default of payment not exceeding one month's imprisonment," *inserted.*

Clause, as amended, *agreed to.*

Clause 4 *agreed to.*

Clause 5 (Appropriations of penalties).

THE EARL OF MORLEY proposed an Amendment providing that the Act of Charles II. should be repealed as far as it applied to places affected by this Bill.

LORD CHELMSFORD did not object to the proviso, though thinking it unnecessary; but he suggested some alteration in its terms.

THE EARL OF MORLEY assented to this.

Clause, as amended, *agreed to.*

The Report of the Amendments to be received *To-morrow;* and Bill to be *printed* as amended. (No. 19.)

RIVERS SHANNON AND SUCK.

MOTION FOR A PAPER.

THE MARQUESS OF CLANRICARDE, in moving for "Copy of a letter from Mr. Stansfeld to the Marquess of Clanricarde, dated 2d of February, relating to the drainage of the Rivers Shannon and Suck, and its enclosure," said, that as this subject had been considered by a Committee of the House a few years ago, he thought it right that this document should be laid before them. In the communication with which he had been favoured by the Secretary to the Treasury, on the part of the Chancellor of the Exchequer, there was an ambiguity which he desired should be cleared up—namely, whether, in addition to a loan, a grant of public money was to be made to assist in the drainage of the rivers in question?

THE MARQUESS OF LANSDOWNE, on the part of the Treasury, said, there was no objection to lay the letter in question before the House. With regard to the ambiguity the noble Marquess had found in that communication, it might be necessary to explain that the drainage of the Shannon and Suck had occupied the attention of successive Governments for something like forty years, and the subject had been under the consideration of successive Committees and Commissions. The works were eventually executed at a cost of £600,000, half of which was provided by the Government, the other moiety being borne by the counties and proprietors interested. The works executed had been severely criticized, and it was complained that they had inflicted great injury on the lands in the neighbourhood of the Shannon Valley, and Mr. Bateman was deputed to inquire whether some further improvements might not be reasonably made. He reported that the works proposed would cost £290,000, and that the profit would probably be £6,000 a year, which capitalized would be equal to £120,000. The Government declined to make the outlay on such unremunerative terms, but directed the Board of Works in Ireland to inquire whether a partial improvement might not be carried out. Their Report showed that, whereas the improvement of the upper reaches would cost £112,000, and would reclaim 8,000 acres, thus costing £14 per acre, the lower reaches—those below Athlone—might be improved at a cost of about £178,000, whereby 16,000 acres would be reclaimed, thus costing £11 per acre. The Government were, acting on the Report, preparing a Bill for carrying out the improvement of the lower reaches; and, although, of course, anxious to reduce and narrow the deficit as far as possible, they were prepared to make good the difference between the total cost and the sum which the works would return. This would show that they were desirous of promoting the material as well as the economical interests of Ireland.

Motion *agreed to;* Paper to be laid before the House.

JUDGES' JURISDICTION BILL—(No. 10.)

(*The Lord Chancellor.*)

COMMITTEE.

House in Committee (according to Order).

Clause 1 (Short title of Act).

THE LORD CHANCELLOR, with a view of meeting an objection of the noble Earl opposite (the Earl of Ellenborough), proposed the insertion of the words, "and with the consent of the Chief Judge of his own court." This would require the consent of the Chief Judge of any court to any Puisne Judge assisting the Chief Judge of any other court. The noble Earl proposed that the consent of the Lord Chancellor and an interval of fourteen days should be requisite; but the delay which this would involve would defeat the object of the Bill, which was that assistance should be immediately and frequently obtained in the event of the illness of any Judge or other emergency.

THE EARL OF ELLENBOROUGH expressed himself satisfied with this Amendment, remarking that as the Bill originally stood the Chief Judge from whose court a Puisne Judge was taken would receive no notice.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Further Amendments made: The Report of the Amendments to be received *To-morrow;* and Bill to be *printed,* as amended. (No. 20.)

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 28th February, 1870.

MINUTES.]—NEW MEMBER SWORN—Sir John Lubbock, *for* Maidstone.

SELECT COMMITTEE—Public Petitions, Viscount Crichton *discharged,* Earl Percy *added.*

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

PUBLIC BILLS—*Resolution* [Feb. 25] *reported*—War Office [Salaries].

Ordered—First Reading—Mortgages (No. 2)* [52].

Committee—Report—War Office * [30]; Coinage* [13-51]; East India (Laws and Regulations * [27].

Withdrawn—Mortgages * [35].

IRELAND—ADMINISTRATION OF THE LAW.—QUESTION.

LORD JOHN MANNERS said, he would beg to ask the First Lord of the Treasury, If it is the intention of the Government to introduce any measures for the better security of life, or for the better administration of the Law in cases of trial for murder in Ireland?

MR. GLADSTONE: I think, Sir, that, if I construe rightly the intention of the noble Lord in putting this Question, it has some special reference to the recent failure at a trial in Dublin, following on a failure in the same case at Galway. Now, it is but fair to those who may be regarded as having been instrumental in that failure to observe that, in the opinion of the Advisers of the Crown, there were special circumstances, on which it is not necessary and it would not be advisable to dilate, which go far to account for the occurrence, without imputing blame to the parties, or drawing from it the conclusion that there is an indisposition to perform a public duty. With regard to the more general scope of the Question, I may refer to the intentions of the Government as declared in the Speech from the Throne at the commencement of the Session. It is not necessary to go back on the discussions which were held on the Motion for an Address. So much I may say in reply to the noble Lord, if the changes to which he alludes in his Question would involve a departure from the principles of the Constitution; but if he alludes to changes within the principles of the Constitution, then I may reply that several changes in the law are under our consideration; but I am not at present in a position to say whether or not we shall be able to propose any definite measures on the subject. I expect, however, that within a week we shall be in a position to declare our intention in this respect.

SLAVE TRADE FROM THE SOUTH SEA ISLANDS.—QUESTION.

MR. P. A. TAYLOR said, he would beg to ask the First Lord of the Admiralty, Whether, in accordance with the suggestion of Lord Belmore in his Despatch of May 17, 1869, it is intended to strengthen the Australian squadron, as the only way of checking the irregularities on the part of masters of vessels engaged in the deportation of South Sea Islanders?

MR. CHILDERS: Sir, the Australian squadron is, really, the Australian and New Zealand squadron, and, unless in case of special emergency in New Zealand, is sufficiently strong to carry out the objects contemplated in Lord Belmore's despatch. At the present time there is no absolute necessity to strengthen it; but we have determined to detach next season from other service an additional ship for special duty in preventing the irregularities complained of between New Caledonia, Fiji, and the islands to the north, and we shall then be able to judge whether the squadron requires permanently this addition.

BANKRUPTCY JURISDICTION.

QUESTION.

MR. R. N. FOWLER said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to an Order of the Lord Chancellor excluding from Bankruptcy Jurisdiction all the County Courts of Cornwall except one, and centralizing the whole business at Truro; whether this Order is not opposed to the spirit of the Act of last Session, the object of which was to localize the transaction of bankruptcy business; whether he is aware that this Order will be productive of great inconvenience to the trading community of Cornwall; and, whether Her Majesty's Government are prepared to rescind the Order, and to restore the local bankruptcy jurisdiction granted by the Act to the county of Cornwall?

MR. BRUCE, in reply, said, he had communicated with the Lord Chancellor on the subject, and his noble and learned Friend had informed him that the local courts possessing bankruptcy jurisdiction had been carefully selected with reference to public convenience. The arrangement was liable to revision, and, in case further accommodation was shown to be required, alterations would be made. It appeared that in the courts to which the hon. Member had referred as being now excluded from bankruptcy jurisdiction, there had been only three or four cases of bankruptcy each year, and that, as a rule, the bankrupts themselves had been the petitioners in those cases. There would be no such cases under the new law.

EXCISE LICENCES, FOR HORSES, DOGS, &c.—QUESTION.

MR. BARNETT said, he would beg to ask Mr. Chancellor of the Exchequer, Whether a considerable number of stamp collectors are paid by a fee of twopence on every receipt they give for Excise Licences for Horses, Dogs, Carriages, &c.; and what necessity exists for persons taking out a number of Licences to have a separate receipt for each one?

THE CHANCELLOR OF THE EXCHEQUER replied, that it appeared the case was as stated by the hon. Gentleman. The ground on which this system was carried on was, because it was conceived that the manner in which the books were kept, and the counterfoils with which those persons were supplied, afforded a more efficient check than the issuing of licences altogether. Those persons were not strictly Government *employés*, but were paid upon the poundage system. He should look, however, into the question in order to see whether a more simple arrangement could not be effected, as in the case of Scotland.

FRANCE—THE POSTAL TREATY.

QUESTION.

SIR CHARLES ADDERLEY said, he wished to ask the Postmaster General, Whether the difference between the complicated English weights and measures and the simple metric system now being introduced all over Europe has not occasioned, in the French Postal Treaty, our being obliged to carry a third of an ounce weight as an equivalent for a ten gramme weight, which is one-sixth less; and whether he is prepared to remedy this inequality by the use of corresponding weights, by which step he would be also setting an example on the part of the Government of the adoption of the more general system?

THE MARQUESS OF HARTINGTON: Sir, if the metric system were in operation in this country, ten grammes might have been adopted by us instead of one-third of an ounce; but I do not think any particular inconvenience will ensue to the public from the course that has been taken. The difference between one-third of an ounce and ten grammes is not, I believe, one-sixth, but only one-nineteenth; and under existing circumstances I think considerable inconvenience would have resulted if one-third of an ounce and ten grammes had not been adopted. I should hope, however, that the present arrangement is not a permanent one. The French Government was not prepared to agree to any weight but ten grammes or one-third of an ounce; but I think that before long it will agree to fifteen grammes, or half an ounce, which has been adopted by nearly every other European State.

SCOTLAND—EDUCATION.—QUESTION.

Dr. LYON PLAYFAIR said, he wished to ask the Lord Advocate, Whether the Government intend to re-introduce, during the present Session, the Bill which passed through this House last Session to extend and improve the Parochial Schools of Scotland, and to make further provision for the education of the people of Scotland; and, if not, whether the Government are prepared to introduce, during this Session, any other measure dealing with the whole subject of Elementary Education in Scotland, and including the landward districts as well as the towns?

Mr. GLADSTONE: Sir, in answer to my hon. Friend, I have to say we are very desirous of making progress during the present Session with education in Scotland, as well as with education in England; and we hope, from signs lately given in Scotland, that public opinion there may be such as to facilitate that object. But, with regard to the means and the possibility of our doing what we desire to do in this matter, I am not now in a position to give any distinct assurance. I trust, however, that before the Session has much advanced, within a few weeks, and when we are better informed as to the progress of the English Education Bill, I shall be able to make a positive statement on the subject. I can assure my hon. Friend that if we fail it will not be from the want of a wish and an anxiety on our part to do what he wishes to see accomplished.

IRELAND—BANKRUPTCY LAW.
QUESTION.

Mr. KEOWN said, he wished to ask the Chief Secretary for Ireland, If it is the intention of the Government to bring in a Bill this Session to assimilate the Bankruptcy Law in Ireland to that at present in force in England?

Mr. CHICHESTER FORTESCUE replied that he was not in a position to answer the Question; but if his hon. Friend would repeat the Question to-morrow, when the Solicitor General for Ireland would be in his place, he would be able to inform the hon. Gentleman on the subject.

BRIDGWATER COMMISSIONERS' REPORT.—QUESTION.

Mr. HEADLAM said, he would beg to ask the Secretary of State for the Home Department, Whether he will state the reason why, in the case of the Report of the Commissioners concerning the Borough of Bridgwater, the usual practice has been departed from of giving references to the evidence in the margin opposite to every important finding or allegation; and whether, if it be alleged that such omission is accidental, he will take care that the omission is rectified, so that persons implicated by the Report, and any person desirous of testing the truth of the allegations, may be able to ascertain the evidence on which they are made; and, whether he will also state what was the First Report of the said Commissioners, and why the same has not been laid before the House?

Mr. BRUCE said, in reply, that there had been a departure in the Bridgwater Report from the general but not uniform practice of giving references in the margin. That course had not been followed in the cases of the Reports of the Commissioners at Totnes, Wakefield, Canterbury, and one or two other places; but he was bound to say that the course indicated by his right hon. Friend was the more convenient one, and he regretted that it had not been followed in the case of Bridgwater. With regard to amending the Report, in this respect it was a mere question of expense. It would take a good deal of time and lead to considerable expense, and before he answered the Question he should like to inquire what the cost would be. With regard to the first Report, it was presented on the 6th of November, 1869, and was consequently incorporated in the second Report since published. The first Report, however, had been printed as a separate paper, and was nearly ready for distribution.

INDIA—THE BUDGET.—QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether there is any probability of his making any statement with respect to the Finances of India before Easter; and, if not, whether he will have any objection to lay upon the Table the Correspondence which has taken place on the subject of the recent revision of last year's Budget?

MR. GRANT DUFF: In reply, Sir, to my right hon. Friend, I have to say that I do not intend to make any statement with respect to the finances of India before Easter; indeed, we do not expect even to receive Sir Richard Temple's statement this year till about the end of April. There will be no objection whatever to laying on the Table the correspondence which has occurred with respect to the recent revision of last year's Budget.

SIR STAFFORD NORTHCOTE: Am I to understand that the financial statement will be later this year than usual?

MR. GRANT DUFF: Yes; somewhat later.

INDIA—RECALL OF INDIAN REGIMENTS.

QUESTION.

COLONEL C. LINDSAY said, he wished to ask the Under Secretary of State for India, Whether it is true that a Cavalry Regiment—namely, the 15th Hussars—embarked for India on the 14th November 1869, to relieve the 2nd Dragoons, then on its way to England, and that in January two other Cavalry Regiments, whose time for foreign service had not expired, were recalled by telegram, without relief; and, if so, why was the great expense of moving three Regiments incurred, when the same result would have been gained by simply recalling one Regiment from India without relief?

MR. GRANT DUFF: In reply, Sir, to the hon. and gallant Member, I have to say, that the 15th Hussars did embark on the day mentioned, no decision having been arrived at before that date with regard to the proposition of the Government of India to reduce the cavalry force in that country. The two regiments to which the hon. and gallant Member alludes had been longer than usual in India; indeed, one of them—the 19th Hussars—having been formed from the local Bengal Cavalry, had never been at home at all. The other—the 7th Hussars—had been out in India thirteen years, ten years being the ordinary time.

MR. BIDDULPH said, he wished to ask the Under Secretary of State for India, Whether, in consequence of the 7th and 19th Hussars being recalled by telegraph in such haste as to give only four days for the Officers to dispose of their horses, camp equipage, &c., which they are bound by regulation to keep complete, the Indian Government, who will save a sum of upwards of £100,000 by the recall of those two Regiments without relief, will take into consideration the propriety of compensating the Officers for the loss so inflicted upon them?

MR. GRANT DUFF: In reply to my hon. Friend, I have to say that any recommendation made by the Government of India with regard to the propriety of compensating the officers in whom he is interested will receive most careful consideration.

TREATIES OF COMMERCE.

QUESTION.

MR. SOMERSET BEAUMONT said, he would beg to ask the First Lord of the Treasury, Whether the statement made by Mr. Chancellor of the Exchequer that he "was not in favour of Treaties of Commerce, and that he was not in favour of their negotiation," has the approval of Her Majesty's Government?

MR. GLADSTONE: Sir, I feel some little difficulty in answering the Question of my hon. Friend. I think that he has taken as being the expression of a rigid determination applicable to all cases that which was on the part of my right hon. Friend only the expression of an adverse impression. I understood my right hon. Friend to have meant that he did not approach with favour a proposal for a treaty of commerce, and I must say that I agree with him. Not only so, but my attention has been called to a declaration which was made by Mr. Cobden in 1861. He said—

> "I observe with satisfaction that the Chamber has abstained from committing itself to an approval of the principle of commercial treaties."

Mr. Cobden used these words within six months after he had himself been employed in negotiating and bringing to a completion one of the most remarkable commercial treaties that was ever known. Mr. Cobden continued—

> "The arrangement lately contracted with the French Government is not in its old and exclusive sense a commercial treaty, but is a simultaneous movement on the part of the two Countries in the direction of freedom of trade."

That is, I think, the best solution of the difficulty raised by the speech of my right hon. Friend; but the best illustration of what I have said, that this is not a cast-iron sentiment, but one of some elasticity and flexibility, is that to-morrow we shall lay on the table a commercial treaty with Austria, for which we are collectively (including, of course, my right hon. Friend) and individually responsible. The truth is that in general the subject of commercial treaties or the negotiations which precede them belong to the region of those duties which are imposed not for revenue, but for protection. They are of small importance as regards revenue, and they must be dealt with solely with reference to other and wider considerations. We by the French Treaty purged out, with the exception of corn and timber, the very last of the protective duties from that treaty. By the Austrian Treaty we give up the duties of corn and timber, which of course we should have been very glad to get rid of on other grounds, and that being so it is unquestionably true that the margin which remains open to us for any commercial treaty is very narrow; inasmuch as you cannot undertake, with respect to the important branches of revenue of this country, either to part with them in order to purchase a supposed commercial advantage, or to run the risk, perhaps, of financial necessity. When it might be important as a matter of public necessity to raise our duties upon such subjects we might find our hands tied by treaty stipulations with foreign countries. No doubt there is great danger of placing ourselves in a false position with respect to these branches of revenue; but the idea of a commercial treaty, as so very cautiously defined by Mr. Cobden in the above citation, is evidence that we have not entertained any undue aversion from commercial treaties, although we feel we have reduced them to the very narrowest margin.

SPIRIT LICENCES.—QUESTION.

Mr. DOWNING said, he would beg to ask the Secretary of State for the Home Department, Whether he can name a day on which the Bill to amend the present system of granting Licences for the sale of Spirits and other intoxicating Liquors would be introduced; and, whether it is intended that the Bill shall apply to Ireland; if not, whether a separate Bill applicable to that Country will be introduced, and when?

Mr. BRUCE said, he had given notice of his intention to bring in on Friday a Bill for amending the present system of Licences; but there were still some unsettled points with the Inland Revenue Department which rendered it expedient to postpone the Bill until Friday se'nnight. With respect to the extension of the provisions to Ireland, it would not, he thought, be convenient to embody an amendment of the law of Ireland in an English Bill. There was some difference in the law and practice of the two countries; but his right hon. Friend the Chief Secretary for Ireland had the subject under his consideration, in order to see how far the improvements which the Government hoped to make in the English law might be applicable to Ireland.

ELEMENTARY EDUCATION BILL.

QUESTION.

Mr. LEA said, he wished to ask the Vice President of the Committee of Council on Education, If he purposes to adhere to the year of waiting stated in the Elementary Education Bill, if it can be shown that the need of a school is urgent and its erection by voluntary effort practically impossible?

Mr. W. E. FORSTER said, in reply, that it would be impossible to answer the Question of the hon. Gentleman at the present time, as it involved the question whether the Government were prepared to accept an Amendment in the Education Bill. He was afraid he must postpone the consideration of the subject until the House heard in Committee the hon. Member's reasons in favour of an alteration in the clause and the reasons that might be given by the Government for maintaining the clause as it stood.

ARMY BREVETS.—QUESTION.

SIR PATRICK O'BRIEN said, he would beg to ask the Secretary of State for War, Whether it is his intention to recommend to Her Majesty that in future Brevets the Subaltern Officers of the Army be included?

MR. CARDWELL said, in reply, that there was no intention to alter the rules under which brevets had hitherto been carried out.

SPAIN—IMPRISONMENT OF A BRITISH SAILOR AT BARCELONA.—QUESTION.

SIR HARCOURT JOHNSTONE said, he wished to ask the Under Secretary of State for Foreign Affairs, If any answer has been given by the Spanish Government to the appeal made in June last by the Foreign Office on behalf of a British sailor imprisoned at Barcelona since June 1867?

MR. OTWAY in reply, said, he was informed some days since that it was the intention of the Spanish Government to release the British sailor, who had been imprisoned at Barcelona on a charge of theft, as soon as certain formalities had been complied with. He had now the satisfaction of stating that he had received that day a telegram from Mr. Layard stating that the sailor had been liberated.

ARMY—EMPLOYMENT OF SOLDIERS.
QUESTION.

MR. HANBURY TRACY said, he would beg to ask the Secretary of State for War, Whether it is the intention of the Government to promulgate regulations for the employment of Soldiers in the trades which are connected with the supply of their clothing and subsistence, the stores required for their use, and the repair and construction of their dwellings; and, if so, when they will be issued?

MR. CARDWELL: In reply, Sir, to the hon. Member's Question I have to state that it has been decided to organize in each regiment a corps of artizans in lieu of the pioneers as at present constituted, who are to be exempt from ordinary fatigue duties. Permission has been given to regiments and corps to execute their own barrack damages; and soldiers will be employed as far as possible on the works of the War Department. Tools have been issued to twenty-six regiments and corps, and a further sum is provided in the present Estimates. The scheme is expected to be self-supporting, and while it employs the soldier and adds to his pay, imposes no additional charge on the public. His Royal Highness the Duke of Cambridge has appointed a committee of competent officers to draw up regulations, and they will be published very shortly.

TELEGRAPHIC MESSAGES.
QUESTION.

MR. RAIKES said, he wished to ask the Postmaster General, Whether it is the fact that since the telegraph has been under the control of the Government the practice of requiring the persons to whom telegraphic messages are sent to sign receipts showing the time of the delivery of such messages has been discontinued?

THE MARQUESS OF HARTINGTON, in reply to the Question of the hon. Member, said, that it was true that the practice of requiring a receipt for telegrams had been discontinued, on the ground that such practice was fraught with a delay which it was desirable to get rid of. He had not down to the present moment heard that the discontinuance of that practice had led to any inconvenience or to any serious complaints; but, of course, if it were found that any substantial security were lost by its discontinuance, it would be the duty of the Government to see whether that security could not be obtained without reverting to a system involving delay.

TELEGRAPHIC STATISTICS.
QUESTION.

LORD HENRY LENNOX said, he wished to ask the Postmaster General, Whether he will have any objection to publish weekly or fortnightly, statements of the number of messages sent by the Postal Telegraph under the Government management, so that they might be compared with the number sent during the time the wires had been under the control of private companies?

THE MARQUESS OF HARTINGTON, in reply to the Question of the noble Lord, said, it was the intention of the Department as soon as the accounts and statistics of the telegraph were in order to publish—he would not say weekly or fortnightly—but periodical statements of the amount of business, by the aid of which it would no doubt be possible to make the comparison to which the noble Lord had referred.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—SALE OF ADMIRALTY STORES.

QUESTIONS.

SIR JOHN HAY said, he rose for the purpose of putting a Question to the right hon. Gentleman the First Lord of the Admiralty relative to the sale and recovery of anchors in Her Majesty's Dockyards. Although the subject had been discussed in the public Press no reference had been made to it in the Navy Estimates. He should have been inclined to defer it until the Store Vote came before the Committee, in which various changes had been made, both with regard to the sales and new method of purchase, which were not satisfactory; but the statement giving rise to the discussion had appeared in a newspaper whose columns had contained other statements—one of which the right hon. Gentleman had thought it worth his while to contradict. The fact, therefore, that the right hon. Gentleman had not denied the accuracy of the present statement had given rise to the belief that it was not altogether without foundation; and, under these circumstances, he had thought it only right to afford the right hon. Gentleman an opportunity, either in reply to his Question or in moving the Estimates, to give some explanation of the matter. The statement to which he referred, and which he trusted would be proved to be inaccurate, was to the effect that the Admiralty, being desirous of diminishing the amount of the Estimates, had thought it right to sell not only old and useless stores, but also a number of articles which were convenient for the public service, and which had always been kept in sufficient quantity for the supply of the fleet, and that they had been sold at a rate that was positively ruinous. It was stated that for some reason the Admiralty decided that a considerable number of good and serviceable anchors should be sold. As far as he knew, those anchors were 263 in number, and weighed 600 tons, their cost having been £30 or £40 per ton, and they were sold to a firm of brokers, Messrs. Shaw and Thomson, for £6 5*s.* per ton, a price that represented, of course, a considerable loss to the nation. At one dockyard the authorities refused to deliver eighty-seven of these anchors, which were consequently saved, but at another the anchors were delivered in spite of remonstrance; and sixty-three were delivered to the purchasers at Sheerness Dockyard. The very day they made the purchase Messrs. Shaw and Thomson re-sold the anchors to a firm at West Bromwich for £9 10*s.* per ton. Immediately after the transaction was effected the Admiralty became alarmed at what they had done, and were anxious to recover the anchors, and eventually forty-three of them were brought back at the public expense; twenty, however, were lost altogether, having been sold to a foreign Government; and the most singular part of the whole affair was that no notice of the transaction appeared in the Estimates. Had nothing further than a mere blunder occurred he should scarcely have thought it necessary to bring the matter before the House, but the statement in question went on to assert that Messrs. Shaw and Thomson being £1,300 or £1,500 out of pocket by their not being able to deliver the anchors to their purchaser at West Bromwich, in addition to the loss of profit upon the transaction, had been permitted to purchase 17,000 tons of iron ballast, at £2 2*s.* per ton, by which, in effect, they received a present of £1 to £1 10*s.* per ton. He had endeavoured as far as he was able to ascertain the truth of this statement, and he was bound to say that he had not been able to trace anything like 17,000 tons of iron ballast from the dockyard to Messrs. Shaw and Thomson. He had, however, traced 500 tons of iron ballast from the dockyards into the possession of those brokers. That these gentlemen, who had made the Admiralty a handsome present by foregoing their bargain respecting the anchors, had been permitted to purchase the iron ballast at a cheap rate in consideration of their complaisance he thought highly improbable, but, as the statement to which he had referred had not been contradicted, he thought the

Question he was about to put would afford the right hon. Gentleman an excellent opportunity for purging himself of the imputations contained in it. He had no official information on the subject, and it might be that he had been misled. He had heard the unpleasant construction he had hinted at placed upon the affair by a man in the street, but as nearly every other person one met in the street now-a-days was a discharged and distressed Admiralty official, perhaps not much attention should be paid to the interpretation they put upon the conduct of the naval authorities. If the iron ballast had been sold for £2 2*s.* per ton it had been thrown away, because, according to the evidence taken before the Committee appointed on the Motion of the hon. Member for Lincoln (Mr. Seely), £4 per ton was the minimum price for which the ballast should be sold, and even £6 per ton might be expected to be obtained for it. He would remind the House that the right hon. Gentleman had charged the late Government with waste in selling the same kind of ballast at prices varying from £3 10*s.* to £4 per ton. The matter had received currency from what had appeared in print, and it had been very much commented on, and he had no doubt the Admiralty would thank him for giving them the opportunity of explaining it. The Question he had to put to the right hon. Gentleman was, Whether the statement that had appeared in the newspapers with reference to the sale and recovery of Anchors by the Admiralty was or was not correct?

MR. GOURLEY said, the story was uite true. He had received some information respecting this transaction rom one of the parties to it, who stated hat he had purchased from the Government 261 anchors, and that after he had o purchased them the Admiralty had iscovered that they had made a misake and had sold him new instead of ld anchors, and that thereupon the hon. Member for Montrose (Mr. Baxter) sent o him to ascertain if they could be reelivered to the store. It was found on quiry that a part of the number had een delivered by the buyers to parties ho purchased them, but Messrs. Shaw nd Thompson succeeded in getting them ack at a cost of between £1,500 and 1,600. All the House required to know as on what terms they had been relivered to the Admiralty—whether by a sacrifice on the part of the Government, or by some other equivalent. He found in the Navy Estimates a charge for pig-iron, for the use of the Admiralty yards, and he should like also to know why new pig-iron was purchased when they were selling old ballast at £2 2*s.* per ton?

MR. BAXTER said, that as he was more particularly responsible for matters of purchase and sale, perhaps the House would permit him to answer the Questions put to his right hon. Friend, who, however, he believed, had intended explaining the point raised by the hon. and gallant Member opposite (Sir John Hay) in the course of his statement in Committee. The First Lord felt rather aggrieved that the subject had been introduced in this form; at the same time, he was personally obliged at being afforded that public opportunity of telling the anchor story—in the first place, because it was very instructive in itself; secondly, with one unimportant exception, it was the only mistake which had been made in the very laborious and difficult task of gathering into one focus all the purchases and sales of the Admiralty, formerly carried on by the various departments in the most odd manner; and, lastly, because it would afford the House a remarkable example of that *vis inertiæ* constantly interposed in order to avert the efforts of administrative reformers, but which his right hon. Friend at the head of the Admiralty and his Colleagues were determined to overcome. The plain facts of the case were that, in the month of July last, his excellent Friend Sir Spencer Robinson, than whom there was no more real and earnest naval reformer, and to whom the country was greatly indebted, inquired of him one day whether it would not be better to sell some of those old and useless anchors that lay about in the yards, and were worth to the Navy little more than old iron. The question had been suggested by the fact that a firm of great respectability in the City, having an order on hand for some great international work in which these anchors could be used, could give for them a better price than the Admiralty would otherwise be able to command. His answer to Sir Spencer was—"By all means; we have acres of ground covered by anchors at the various yards which ought to have been sold long ago." Nor was this a figure of speech; for at this moment there were 1,100 anchors, covering several acres of ground, all of which, after careful survey by officers of the Admiralty, had been pronounced totally unfit for Her Majesty's ships. The price of old iron was well known to Members of the House of Commons, and hon. Gentlemen would be able to appreciate the handsome price of £6 15*s.* a ton for old and useless anchors. Very well satisfied with the bargain, he ordered the anchors to be delivered, and neither he nor his Colleagues heard anything more of the transaction until October, when rumours reached them through the newspapers to the effect that Messrs Shaw and Thomson, to whom the 261 anchors had been sold, had got possession of a very different article from that which they believed they had bought. On inquiry, he found that this report was only too true; and he would explain how it happened. Anchors were classed in the Government yards under three heads; firstly, there were old obsolete anchors, worth only their price as old iron; secondly, there were unappropriated anchors, some fit for service and some unfit; and thirdly, there were the appropriated, which, as their name implied, were designed for particular ships. Sir Spencer Robinson, in writing out the order for the delivery of these anchors, by a mere slip of the pen, and not from any error of judgment, used the word "unappropriated," instead of "obsolete," no doubt having in his mind at the moment the hope of making an equally good bargain with respect to some of the unappropriated anchors. Now came the point of the case. The accident was noticed in the Store Department, and the price and the terms on which the anchors were sold were at at once communicated in a letter of advice to the superintendents of the various yards, who, no doubt, also communicated the particulars to the storekeepers, who had charge of the anchors. The terms of sale were quite sufficient to show to all those gentlemen at Whitehall and at the various yards that a clerical error had been committed, but he was sorry to say no one from July to October considered it his duty to point out to any of the Lords of the Admiralty that there was a mistake. As soon, however, as the Lords of the Admiralty did become aware of the error he (Mr. Baxter) at once communicated with Messrs. Shaw and Thomson; and on Mr. Shaw calling at Whitehall he told him in the frankest manner the whole story, and asked him to do what many hon. Members had in transacting their private affairs asked of men of business—and that was not to take advantage of the mistake they had made. Mr. Shaw answered, "You have been very frank with me; I will be the same with you. We bought the anchors believing them to be worth simply the price of old iron, and I hadn't the slightest conception of the mistake which had been made. But I have a story almost as curious as yours. In consequence of a delay of two or three days in mentioning that we were ready to deliver the anchors the order upon which we were acting was countermanded, and we found ourselves in possession of 261 old anchors which we did not know how in the world to sell; in fact, we found we had bought a white elephant, and we were just on the point of coming back to the Admiralty to ask whether the anchors could not be returned at a reduction in price, when a gentleman came into our office and offered us a price for them which would give us a considerable profit, and which I was only only too happy to accept. However," added Mr. Shaw, "I shall do all I can to get that party to cancel the contract." He then talked with Mr. Shaw of the discreditable state of the yards, especially Portsmouth, as far as the accumulation of old stores was concerned, and asked him whether he could assist him in the sale of boilers and engines, mixed metal and iron of all kinds, lying about the yards and deteriorating every day. Mr. Shaw promised to do his best, and said that he and his partner would go down to the various yards and select articles that could be sold. The Lords of the Admiralty had experienced the greatest possible difficulty in obtaining the requisite information from the officers o the yards with respect to articles which ought no longer to be kept. He might add that of the 261 anchors only 120 had been delivered, and of this 120 onl 31 happened to be serviceable to th Navy. Mr. Shaw, in the course of subsequent interview, had told him h had failed to get the third party t cancel the contract altogether, excep on the payment of £600; but as tha sum would, no doubt, be more tha compensated by the commission the

Mr. Baxter

would receive for the duties they were undertaking for the Admiralty, he would not ask the Government to repay him. Mr. Shaw had since sold for Government some of Seely's pigs, but the two transactions had no connection with each other, and therefore it would be wrong in him to enter then on that subject. [Sir JOHN HAY: At what price?] At £2 5*s.* per ton. Messrs. Shaw and Thomson had sold for the Government during the last few weeks no less than £50,000 worth of old iron and other articles at very excellent prices. The Government had been informed by naval officers that the prices were far higher than they could have expected to obtain. The country had not lost a single shilling by the transaction, and he hoped the House would draw a moral from the tale.

LORD HENRY LENNOX said, he could not refrain from addressing a few remarks to the House in reference to this subject. It appeared to him that the statement just made by the hon. Gentleman opposite (Mr. Baxter) was so thoroughly unsatisfactory that it ought not to be allowed to pass unchallenged even before the right hon. Gentleman rose to move the Estimates. He wished in the first place to defend his hon. and gallant Friend (Sir John Hay) from the charge of having unduly brought this question under the notice of the House. The hon. Baronet had made a very concise statement, which was accompanied by a courteous offer to leave it to the First Lord of the Admiralty to say when and how he should answer the Question he was about to put. Considering, however, that the Admiralty had trumpeted forth its great administrative ability, the country surely had a right to have such rumours as had been lately circulated in the columns of the newspapers contradicted on the authority of the First Lord of the Admiralty himself. The hon. Gentleman the Secretary of the Admiralty had talked about the acres and acres of unserviceable anchors in our dockyards. Now, during the three years he (Lord Henry Lennox) had the honour of holding the Office now filled by the hon. Gentleman, there were certainly not in our dockyards acres of unserviceable anchors. A great many were among the very finest and most valuable anchors made in England, and Mr. Trotman had pronounced our anchors to be the very best in the world. There were besides a certain number of anchors, which, though not of that superior quality, were nevertheless thoroughly efficient and available for harbour service. He was unable to resist the temptation to perpetrate a bad joke. The hon. Gentleman had attributed the mistake to a *lapsus pennæ* on the part of the Controller General, but he would remark that it might have resulted in a *lapsus poundi* to the nation. The hon. Gentleman had also found fault with the clerks for allowing months to elapse without giving information concerning the mistake, but, in his opinion, that circumstance was simply a proof of the bad effect of the abolition of the Store Department. Had not the various departments of the Admiralty been denuded of clerks by the dozen, the Storekeeper General, had there been a Storekeeper General, would have had sufficient leisure to inform himself of the mistake, which, considering the generosity displayed by Messrs. Shaw and Thomson, might have been easily remedied in the course of forty-eight hours. He had no desire to interpose himself between the House and the interesting statement which the right hon. Gentleman was about to make, but before sat down he hoped he should be permitted to say a few words respecting the "pigs" which had been sold for £2 5*s.* a ton. Now, unless he had been misinformed, these "pigs" were not only sold at £2 5*s.* a ton, but the Government paid the cost of removing them from the yard, which could not be less than 7*s.* per ton, so that in reality the "pigs" fetched only £1 15*s.* per ton. [*Laughter.*] He begged pardon, he should of course have said £1 18*s.* per ton; but he was very glad to find that hon. Members paid such close attention to his statement that they were able to trip him up in his arithmetic. During the time he was in Office there was a great deal of inquiry respecting the value of these "pigs," and the subject was considered not only in that House, but by the Admiralty Accounts Committee. It was then stated by the Director of Works under the Admiralty that, in his opinion, after being taken up and replaced by available materials, they would represent a value of between £5 and £6 per ton. Where was the hon. Member for Lincoln (Mr. Seely)? Two years ago, when the Admiralty sold a portion of this ballast iron at £2 10*s*. a ton, that hon. Gentleman rose in virtuous indignation to denounce the Government for having parted with it at so paltry a price. Why, then, he would ask, was not the hon. Gentleman in his place to-night to raise his voice in behalf of the public interest? The hon. Gentleman was highly indignant when the iron was sold at £2 10*s*. a ton, but he had nothing to say now about its being sold for £1 18*s*.

THE NEW FOREIGN CATTLE MARKET.

QUESTION.

SIR HENRY SELWIN-IBBETSON said, he wished to ask the Vice President of the Committee of Council on Education, Whether it is true that the contemplated site for the London Foreign Cattle Market is likely to be insufficient in the event of the cattle from several foreign countries being declared infected? He also wished to know, whether the tolls had been increased at Islington Market?

MR. W. E. FORSTER: Sir, I am not sorry that this Question has been asked, because I think I can, in a few words, remove a false impression which appears to exist in the mind of the hon. Baronet and in the minds of other persons. In the first place, I may remark that it is not true that any increased tolls are being levied at the present time. According to the provisions of the Act passed last year, increased tolls may be levied when a market has been made by the Corporation of London to the satisfaction of the Privy Council. Now, as I have already stated in reply to another Question, we have been in negotiation with the authorities in order to find out whether they were about to construct a market or not? The result is, that we believe they do intend to make a market, and I have no reason to suppose that it will not be a sufficient one. The present position of the question is as follows:—The matter was referred by the Corporation of London to the Market Committee, some members of which submitted to my noble Friend Earl de Grey and to myself plans and a report which they intended to present to the Corporation. The report stated that the committee had inspected eight sites, of which they could recommend one, though before doing so they wished to know whether the Government would be prepared to accept it? That site was at Deptford, between the Royal Victualling Yard and the Commercial Docks. Now, though it is not the business of the Government to find out the best site in or near the metropolis, it is their duty to say that a site will not be satisfactory if it evidently will not. Therefore, after hearing all the statements of these gentlemen, we came to the conclusion that there was no reason for objecting to the proposed site; and, in order to remove any misapprehension that may exist, I will read the exact words of my letter, which ran as follows:—

> "In reply I am directed by the Lords of the Admiralty to state, that their Lordships see no reason to object to the site you name—namely, the one at Deptford—provided that the area be sufficiently large to meet the requirements of the market, and to give the necessary wharf accommodation."

I likewise mentioned that our statement that there was "no reason to object" was on the assumption that the information would turn out to be correct that the site was from twelve to fourteen acres—I had heard it said that it was only some three or four acres—and that there would be wharf accommodation for two ships at a time, at all times of tide. I may state that my noble Friend and myself are determined that this shall be a *bonâ fide* market to meet the requirements of the trade. There are ample means of communication both by road and rail. I ought, however, to mention that at present the Deptford site has not been definitively decided on, because the Market Committee have not yet presented their report to the Corporation, and I cannot, of course, be quite sure whether they will eventually select this site or not.

Main Question,, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) 61,000 Men and Boys for Sea and Coast Guard Service, including 14,000 Royal Marines.

MR. CHILDERS: Sir, I rise to move that 61,000 Men and Boys be employed in the Sea and Coastguard Service for the year ending the 31st of March, 1871, including 14,000 Royal Marines. In moving these Estimates, I think I may be allowed to say that they are in one respect remarkable; because, as I shall shew, while providing for what I believe to be a thoroughly efficient Navy, they exhibit the lowest charge under this head since the year 1858-9. In that year, under the control of my right hon. Friend opposite the Member for Droitwitch, the actual expenditure, exclusive of the charge for the packet service, was £8,360,000. Since then the charge for the Navy has risen and fallen. It has risen to two maximum amounts; the first in 1860-1, when it reached £11,576,000, exclusive of the cost of the China War; the second, in 1867-8, when it amounted to £11,343,000, exclusive of the cost of the Abyssinian Expedition. It will be my duty to show that the sum which we now ask for—£9,250,530—is sufficient to provide the country with a thoroughly efficient naval force, unless some disturbing causes, such as a great war or the reconstruction of our ships, should intervene.

Sir, it is the custom when introducing the Estimates to compare them, in the first place, with those of the years immediately preceding; and, following that course, and going back to the year 1867-8, I find that, as prepared by my right hon. Friend opposite (Sir John Pakington) the Naval Estimates amounted at that time to £10,976,253, and in the following year to £11,157,290; whilst last year they were £9,996,641, and this year, as I have already stated, £9,250,530. But, in these figures it is necessary to be careful that we compare like with like, so as not to include in one year charges omitted in another. For instance, the Estimates for the year 1868-9, but neither those for the year which preceded, nor for the year which followed it, included sums amounting in all to above £203,000, which, in consequence of a Treasury decision, were set down as a mere matter of account both on the receipt and expenditure side. I shall deduct items of this kind, and I shall endeavour throughout these comparisons to be perfectly honest and fair to those who have gone before me. Taking these variations into consideration, I may state to the Committee that the present Estimates are just £1,700,000 less than those of 1867-8 and 1868-9; and £750,000 less than those of last year. It may, however, be well to compare not only the estimated but the actual expenditure of 1867-8 and 1868-9, exclusive of the cost of the Abyssinian Expedition. In 1867-8 the actual expenditure exceeded the Estimates, and amounted to £11,342,000; in 1868-9 the expenditure was rather less than the Estimates, amounting to £11,061,000. The present Estimates therefore provide just £2,100,000 less than the expenditure of 1867-8, and £1,600,000 less than the corrected expenditure of 1868-9. There is, however, a third point of view from which it is customary to look out these matters—which I will venture to call the Chancellor of the Exchequer's point of view—in which comparison is made not only between the gross estimated and actual expenditure, but also between the net results after deducting extra receipts. In 1867-8, then, after deducting all the receipts connected with the Navy, I find that the net expenditure, exclusive of the Abyssinian Charge, was £10,968,000; and in 1868-9, on a similar principle, £10,835,000. For the year 1869-70, now about to conclude, we estimate the net expenditure at £9,580,000, and the present Estimates provide for a net expenditure of £8,740,000. From this point of view therefore the economy effected in these Estimates is from two millions to two millions and a quarter, as compared with the average expenditure of the two years 1867-8 and 1868-9, and about three-quarters of a million as compared with that of last year.

Sir, having laid before the Committee these general figures, I shall, in the next place, proceed to point out the decreases or increases of charge in connection with each particular Vote. Vote 1—that for Men—shows an expenditure of about £100,000 less than last year, after allowing for transfers to other Votes. I will explain later why it is that we ask in this Vote for 2,000 men less than last year. In connection with this Vote we have followed exactly the course which we promised last year to adopt with respect to establishments on shore. We have carefully eliminated from Vote 1 all those charges for officers and men borne on ships' books, but really permanently employed on shore. Last year, having only recently come into Office, time did not permit us to look very carefully into the amount of the charges, although we shewed in foot-notes the numbers of officers and men; but this year we have done so and we find that they amount to £24,000. We have given a Schedule in the Appendix, and it will be seen that each charge is connected with the proper Vote. Passing from Vote 1 to 2, I may explain to the Committee that the latter, nominally £203,000 less than the provision asked for last year, and really only £178,000 less, is reduced in consequence of the circumstance that we happen to have on hand a large and redundant stock of clothing, and that it is entirely unnecessary to keep that stock up to its former amount. Perhaps it may be a question to what this redundancy is due; but I shall not enter into details on the point now, as I probably shall have an opportunity hereafter of saying more on this subject. There are moderate reductions in all the Establishment Votes, commencing with Vote 3. They are not, however, of such interest as to justify me in entering into any lengthened details with regard to them now, and I shall therefore pass them by for the present. The reduction in Vote 6 amounts apparently to £207,000, but really to £217,000. It is due to the diminution in the establishment of officers and men at our dockyards. On the next Vote, Vote 7, that for the Victualling Yards, there is a reduction of £10,000; and Vote 10, Part 1—the Vote for Naval Stores—shows a diminution to the extent of £47,000, although there is a great increase in the item for iron for the purposes of shipbuilding. In Part 2 of Vote 10 which has reference to ships and engines building by contract, there is a reduction of £300,000, inasmuch as the large contracts entered into last year are gradually running out. The next Vote, Vote 11, for New Works, exhibits a reduction from one point of view of £5,000, and from another of £11,000 compared with last year. The most material part of the Vote is that which provides for the great extension works at Chatham, Portsmouth, and Haulbowline, and I think it would be very unwise to reduce the sums requisite for carrying on those large works as rapidly as possible. We propose, therefore, to expend £508,000 this year on these great extensions — being an increase of £18,000 over the amount asked for last year. In the following Vote, Vote 12, there is a small increase of £4,000, which is due to the carrying out of the Contagious Diseases Act of last Session. On Votes 15 and 16 —the Non-Effective Votes—for retiring pay, half-pay, and pensions, there is altogether an increase of £189,000, £89,000 of which is due to the new plan of retirement, the net cost however of which, allowing for savings on other Votes, is only £54,000; and £34,000 to additional pensions to petty officers and seamen, partly arising out of the closing of Greenwich Hospital, which has thrown a very largely increased charge on the public. £54,000 is also added to the charge for pensions to civil officers, civilians of the Coastguard, and artificers, consequent upon the large reductions in our establishments. The last Vote, Vote 17, for Transport—which in reality is not a naval service—is nominally £79,000, but in reality only £27,000 less than last year, the large apparent decrease being due to a decision of the Audit Department, which prevents us from charging to this Vote the wages of officers and seamen in transport ships.

I have now stated the principal variations in the figures from last year's Estimates; but I cannot part from this dry part of the subject without calling attention to the very careful analysis of these Estimates, which the Committee will find in a new Appendix—an Appendix which has been framed in consequence of the recommendation of the Committee which was presided over by my hon. Friend the Member for Lincoln (Mr. Seely) in 1868. This Appendix and the retabulation of the Estimates follow in all important respects the recommendations of that Committee; and I may add that we owe very much of the accurate form of that Paper to the labours of one of the witnesses who was summoned before it, Mr. Fellowes, a gentleman who has studied this subject during many years of his life, and who has brought much skill and ability to bear upon these very uninviting questions of account and sta tistics. And let me express the hop that, with the assistance of the abl members of the Department, we shal be able to put into a handy and les voluminous shape the annual account of the cost of shipbuilding and repairing and the manufacturing department in our dockyards and victualling estab lishments — accounts now of the mos ponderous character. These Papers ar very much in arrear, those which I pro duced at the end of last Session, and which have been recently printed relating to a period as far back as 1866-7. I will not say to what extent abridgment can be carried, but I can promise that in future they will not be quite so voluminous in this as in past years. I may say that I have promoted Mr. Fellowes from Deputy Inspector to Inspector of Dockyard Accounts, and in this as in other respects I expect to receive great assistance from his care and acquaintance with figures. One word more on a question of account. For many years past, as the members of the Public Accounts Committee are aware, the practice as to extra receipts has been in a very unsatisfactory state. The Treasury have recently again had this question before them in consultation with the Departments chiefly concerned; and I have reason to believe that such a solution will be offered to Parliament as, while maintaining sound principles in matters of account, will render the Estimates in this respect much more simple than they have hitherto been, and bring the proposed operations of each department more clearly before the House.

I have hitherto troubled the House with dry questions of figures, but I will now proceed to the principal matters of importance connected with our proposed naval policy, as shown in these Estimates. Perhaps the House will allow me first to refer to the principles of administration which were shadowed out last year, and the manner in which they have been carried into execution. In the second place, I shall refer to our policy in connection with shipbuilding and repairing. I shall then state our intentions as to the employment of our fleets, the number of our sailors, and the management of our reserves, and, in the last place, I shall explain in some detail the new plan of promotion and retirement upon which the Board of Admiralty have been employed during the last year. If it be my misfortune to detain the Committee longer than is usual in introducing the Estimates, I fear I can only excuse myself by pleading the inevitable result of the great changes which we are endeavouring to carry out.

As to our administrative arrangements, I explained last year in general terms what we proposed to do both in London, at the Board of Admiralty, and in the subordinate departments; and also in our naval and victualling establishments. I stated that as to the heads of departments we proposed to follow out pretty nearly the recommendations made by the Commission of 1860, with reference to the position of the Controller of the Navy, by making him a member of the Board of Admiralty, and immediately responsible to the First Lord for the administration of the dockyards; and in this way I hoped to secure the unity of action to which the Commission attached so much value. I stated that in this and in other respects our administrative action would be rather departmental than in accordance with the usual machinery of a Board. I explained, too, that what was effected by the appointment of a Financial Secretary, who would have charge, under the First Lord, of the whole finance of the Department, especially the arrangements connected with purchases and sales. I said also that we proposed to bring together into one place the departments which at that time were some at Whitehall and some at Somerset House; that at the dockyards we proposed to concentrate the administration more in the hands of the master shipwright, as what I think I called our civil manager; and seeing that the change would necessitate very serious alterations in practice, I pointed out how that would influence the position of the superintendents of dockyards and some of the other officers. I stated generally that we should exercise all our powers in reducing what we conceived to be a redundancy of establishment both in London and at our dockyards, not, however, by cutting down salaries, but by reducing numbers, and by bringing officers into more direct responsibility to ourselves than they were under the former system of management. We have done our best to carry out these principles, and I think I may say without hesitation that, on the whole, the result has been most satisfactory. In these matters I am no optimist, and I do not think that any changes of system, however good they may seem to be at the time you commence them, will work well long, unless they are carefully watched, and always regarded as tentative and subject to improvement. Accordingly, in what we have done I by no means think that we have concluded all the reforms that are required, and I will go so far as to doubt whether in all details we have hit on the right method. But I am prepared to say that on the whole all the changes made during the year have been distinctly in the direction of efficiency, and no one can doubt that they have been attended by considerable economy.

Before going further into the details of our establishments, I desire to say with perfect sincerity how very much both I and my Colleagues regret that it has been our duty to discharge from the service a very considerable number of officers and men. We have done so for no reason whatever but because it was our duty; and I can assure the House—and hon. Members can test what I say by the references they are able to make—that nothing I have done in this respect is inconsistent with the distinct declarations I had made, both in and out of Office, as to the absolute necessity of reducing our naval establishments. Whether sitting on these Benches, or on the other side of the House, it has been my lot to call attention to economies which could be carried out in naval administration; and my line of action in Office is precisely what I advocated in Opposition. I may say that, with very few exceptions, in the case of established officers, all the retirements which we have had to effect have been voluntary—that is to say—in the arrangements which have been put into force by the help of the Treasury, officers have been rarely forced out of the service against their will. With respect, also, to the retirement of men on the establishments, this has been carried out as gradually as possible, having regard to the state of the labour market and the fair claim of the men themselves to consideration; and although there are cases like one mentioned the other day in which a mistake occurred which we at once rectified; and, although the men naturally regret that they are no longer in public employment, I may say with perfect truth that we have done our very utmost to show consideration for the feelings of those who have been in our service. In dealing with these men, I repeat what I stated a short time since with respect to those on the establishment, that the rule which we have laid down, and which we believe to have been fairly carried out, has been only to discharge men approaching sixty years of age (when it is understood that all men are liable to be discharged), or those who, if younger, are not thoroughly up to their work. With respect to hired men, our rule has been as far as possible to discharge those who have been the shortest time in our employment, and this rule, though probably with occasional exceptions, has, I believe, been generally carried out by the superintendents. I will only say, further, that there is no task more utterly distasteful to us than to carry out these necessary reductions. Those who think that economy, in these respects, is an agreeable duty can have little knowledge of the responsibilities of Office, or, indeed, of human nature; but it is a task we were bound to undertake, and I firmly believe we have carried it out fairly, reasonably, and in accordance with our promise to Parliament.

Let me now point out to the House what we have actually done in respect to establishments. The establishments in London, as will be seen from the Estimates, have, except in one or two instances, been entirely revised. There are, I think, one or two sub-departments in which the revision is not yet complete—one rather large one being connected with the staff of messengers, which it has been impossible to deal with finally up to the present time, because the transfer of the business to Whitehall has not been completed so rapidly as we intended. The amalgamation also of the different staffs of clerks into one classification is not yet disposed of. But as far as we have gone the result is a great improvement in the general conduct of business. And here I am anxious to thank in the most public manner those officers of the different departments, not, indeed, the gentlemen to whom my hon. Friend alluded some minutes ago, who have, however much some of these changes may have been against the grain to them, worked most cordially and warmly with us in effecting administrative reforms. One of the greatest changes in our establishments in London was with respect to the concentration of the matters connected with account and audit under the Accountant General. The former arrangements of the Somerset House offices made each an *imperium in imperio* in this respect and one of the very first inquiries w made was to what extent all the account business could be brought together. We have only been able to complete these changes within the last two or three months; but I have caused most careful inquiries to be made from the gentlemen at the head of the amalgamated office, and I have received reports which are unanimous that the result is very satisfactory—that the work is very much better done, and done with considerably fewer clerks. Again, in the matter of freight and transport we have made considerable changes. The reform we shall be able to carry out will be of much value; though its results do not appear on the present Estimates. In our administration of the Coastguard—a point on which my right hon. Friend opposite (Mr. Corry) was least disposed to agree with me last year—I shall be able to point out the very great increase of efficiency which has resulted from our abolishing the civilians of the Coastguard and bringing its administration under the Admiralty. The inspection of the force by the Commanders-in-Chief instead of by the head of the department the Controller General, is a marked improvement. As to the arrangements for the purchase and sale of stores, which have been the subject of a preliminary discussion, I shall leave to my hon. Friend the Financial Secretary to the Admiralty the task of explaining the great improvements which have been made in the purchase department, with which the House cannot but be fully acquainted. The greatest credit is due to my hon. Friend for the reforms he has made. In connection with this subject, I may allude to one or two questions of interest. One is our coal purchases. We were by no means satisfied either with the general system of buying coal, or with the contracts for delivery at distant stations, and we have effected great improvement in these respects. Thus this year our coal purchases for the home service show an increase of 17,000 tons in quantity; resulting in a much larger stock of coal in our dockyards at the end of the year—yet the charge to the country is £14,000 under our estimate of last year. Again, so small a matter as the substitution of colza for sperm oil has resulted in a great saving, and has given general satisfaction. We called for reports as to this change from the different captains, and they all but unanimously pronounce the new oil better than the oil they had before. Again, I will give the House instances of the necessity for revision of the terms of our contracts. Many of these have been in force for very long periods, and within the last week I had before me some for articles which have greatly changed in value, but which had been left untouched, some for seven years and some for fourteen years. I may mention one contract for the delivery of a special article, the name of which I will not mention. There were many small items for extras to the article, and one of them (No. 198) was the price for any additional quantity of the same metal not included in any other item. The whole payments of the year were £14,160; but of this the payments under that item were £10,930, and the price of that item was about £150 per cent above the market value. These are just the matters as to which special attention in the contract department enables us to effect a great improvement. I do not mean to say that no mistakes will occur in the multifarious work which this new department has had to undertake while matters were in a state of transition, owing to there being turned over to it the duties of two or three other departments. My intention was to state to the House, in illustration of this, the facts as to anchors to which my hon. and gallant Friend referred before I commenced my statement. I might, perhaps, observe that when my hon. and gallant Friend said he saw no harm in anticipating my statement by asking a Question, because I could answer it while we were in Committee, he had probably quite forgotten that not many years ago a Question was precisely in this way put to Lord Clarence Paget, who postponed his answer till the House was in Committee, and when he was about to give it an hon. Gentleman sitting opposite refused to allow him to do so by objecting on the point of order. My hon. and gallant Friend would, I think, have done better if he had postponed his Question, and had given me the opportunity of making my statement; he could afterwards have criticized it in any way he chose. With these multifarious arrangements in the new department I do not doubt that mistakes have been made in addition to that to which my hon. and gallant Friend has referred. I can speak to one mistake in a coal contract, where coal was shipped for Table Bay instead of Simon's Bay, and some extra expense has been incurred; and there may perhaps be others. But no one is more ready than the Secretary to the Admiralty to bring to my notice these matters, in order that we may learn from them what improvements are requisite. I may here allude also to the important sale of timber which we have now in hand. We found a large surplus stock, and we have taken great pains to have it most carefully lotted and valued, and the greatest possible publicity has been given, both in this country and other countries, to the sales which are about to be held. I anticipate very satisfactory results, both from a naval and also from the Chancellor of the Exchequer's point of view. I will conclude this part of my subject by stating that we have sold the greater part of the dockyard at Deptford at a satisfactory price, in accordance with the intimation I gave last year.

Let me now give the House the financial result of our new administrative arrangements. I will premise it by stating that in arranging the classification of the clerical departments we have tried our best to establish as few classes as possible. The plan in this respect which we have found most efficient is to divide the whole administration into three parts—first, the senior clerks in charge of branches; secondly, the clerks placed under them; and thirdly, the writers for all the subordinate work, not merely copying, but also such work as could be done by persons of lower social position than gentlemen hoping to rise to the head of establishments. The latter class are employed from day to day, and can be discharged without having any claim to superannuation. We have also laid down more clearly the rules for promotion from one class to another. The great object is to ensure the promotion of the fittest men to the higher classes, rather than either by seniority or by strict promotion in the same room or department; and at the same time to give to seniority sufficient consideration by annual increments up to a certain amount. This, however, is a subject to which I only allude in passing, but let me now give the figures as to these clerical establishments. When we took office we found that the clerical force in London consisted of 354 clerks and 102 writers, costing altogether £125,242 per annum. At the present time we employ 230 clerks and 142 writers, who cost £93,127. There are, therefore, employed 124 established officers fewer than last year, and a saving has been effected of £32,115. With respect to all the civil departments under the Admiralty, not only in London, but throughout the service, these are the figures. When we took office we found 24 officers receiving £1,000 a year each and upwards, and costing the country altogether £34,110 a year; 87 officers receiving each between £1,000 and £600 a year, and costing the country £61,677 a year; and 1,122 with salaries under £600 a year each, costing the country £258,559; or a total of 1,233 officers, whose salaries amounted to a sum of £354,346 for the year. At present we have 20 officers with salaries each of £1,000 a year and upwards, costing the country £29,950; 56 officers with salaries between £1,000 and £600 a year each, costing £39,275; and 917 officers with salaries under £600 a year, costing £210,276; or a total of 993 officers, whose salaries amount to £279,901. There is, therefore, a reduction on this head of 240 officers, and a saving on salaries of £74,445. We also provide for the absorption as vacancies occur of 85 more—making altogether a reduction of 325 salaried officers, receiving about £100,000 a year. Besides these there are 13 naval officers less, with appointments valued at £8,797 a year. We contemplate still further reductions in the establishments, which are shown on the face of the Estimates as being under revision, the total o which will make the number of salaried officers less by between 350 and 400 and the saving effected about £120,000 a year. This has been called a cheese-paring policy. If so, I will confess I do not know at what point real economy begins. The figures I have given practically give the economies effected in our establishments at home. Our naval establishments abroad have not a yet come thoroughly under revision. I trust that during the coming year w shall be able to attend more closely t this part of the subject. This will b greatly facilitated by the transfer w have made from Vote 1 of charges which really have related to shore establishments. Hitherto the First Sea Lord, though responsible for that Vote, has really no personal knowledge of the establishments on shore, and so they escape him; neither has the Controller of the Navy, who only really controls the expenditure under Vote 6; and so between the two these anomalous charges escaped notice. Now, we propose to concentrate still further in the hands of the officer whom in my speech last year I called our "Civil Manager," the responsibility of the administration of the dockyards. There is a very interesting question pending at the present time, and which I have no doubt my hon. Friends opposite will allude to, and possibly challenge our decision—I mean as to the proper administration of the storekeeping department at the dockyards. That is a question of great difficulty, about which no doubt there will be many different opinions, and it is one to which the attention of that zealous and able officer Sir Spencer Robinson, the Controller of the Navy, has been specially attracted this year. From all we have been able to ascertain, we have arrived at the conclusion that to place the store department more under our civil manager, and not to keep a separate and salaried officer under the name of storekeeper, is likely to be a most beneficial change. But as this is a very important question, we have determined to proceed gradually, and instead of applying the new system at once to all the dockyards, we have introduced the change as yet only in Chatham and Portsmouth. This is an experiment, but I believe that it will be a success, and I look forward ultimately to its general adoption. I now come to a more difficult question—the grades of officers engaged in shipbuilding. There were at one time no fewer than six grades in this department below the master shipwright—namely, the assistant master shipwrights, the foremen, the inspectors, the measurers, the leading men, and the shipwrights. In 1865 we abolished one of those grades—that of "measurer"—in the present year we have determined to abolish another—that of "inspector"—leaving still three grades between the master shipwright and the workmen. We consider that an ample number of grades for economical administration. On this subject, I have consulted gentlemen of much experience in private shipbuilding, and I feel satisfied that the reform will be satisfactory. I wish under this head to anticipate an inquiry that I know will be addressed to me—namely, whether I have altered in any way the views which, on other occasions, I have expressed respecting the naval superintendence of the dockyards. I believe that those views were generally sound; and I still consider that, while naval officers will frequently be found the most efficient superintendents, yet that these officers should be held irrespective of naval rank, and solely with a view to the best management being secured. I now come to the question of the superintendence of our hospitals; and upon this point I am bound to say that the views of those who have looked into the matter are very much divided, and even among my own confidential advisers, there has been very great difference of opinion. The view which I have adopted, however, is that the system which prevails at Chatham is better, in this respect, than the system at Portsmouth and Plymouth. I am prepared, as recommended by the Commission last year, to place our hospitals under the direction of a superior medical officer rather than a post captain, retaining the general superintendence of the Commander-in-Chief. A similar question has arisen with regard to the victualling yards, and this year we have not filled up the office of master attendant, designing that in the future a superintendent storekeeper shall be appointed, without a captain superintendent; but for purposes of discipline also under the admiral of the port. Before I leave this subject, let me say that, as to all our establishments, we have endeavoured to act on the following simple rules:—The first, not to manufacture if we can buy as well in the open market—having regard primarily to goodness of the article. The second, to concentrate our establishments where practicable, rather than to keep up a large number of small establishments; and the third, to keep the establishments themselves as "*cadres*," capable of great expansion if necessary, but not larger for the present than is absolutely required. These principles we have tried to carry out with respect to all our establishments, whether dockyards or victualling yards.

And now a few words as to the administration of what was a great establishment; I mean Greenwich Hospital. In 1865, when I was on this subject the organ of the Duke of Somerset's Board in this House, and also last year, under the charge of my hon. Friend (Mr. Trevelyan), Bills were passed by which an entire revision—I might almost say in one sense the abolition—of the great establishment of Greenwich was effected. The Hospital has been cleared, to use the words of my hon. Friend, by the suffrages of the men themselves, who have one and all—even those left in—declared that they would much rather have pensions than remain in the establishment. The result has been that we have been able to give additional pensions to every old sailor on the pension list—5*d.* a day when he arrives at the age of fifty-five, and 9*d.* a day when he reaches the age of seventy. We have also been able to give pensions to old sailors, not on the pension list, unable to support themselves, and already under the last Act we have had applications from more than 650 men from all parts of the country. The two clearances left at Greenwich only sixty-two men, thirty-one of whom were transferred to naval hospitals, and twenty still remain in the small infirmary. Therefore, instead of 1,400 men requiring a local establishment costing the country about £110,000 a year, besides £21,000 for the school, we are now able to give £59,000 in pensions to men under the Act of 1865, new pensions and naval hospital maintenance equivalent to £28,000, pensions to merchant seamen amounting to £4,000, pensions to officers £5,000, to widows £1,000, for administration £2,000, building £3,000, superannuation £4,000, and the school £23,000, making in all a total of £129,000. Within the last few days we have completed arrangements for transferring the infirmary to the *Dreadnought* authorities as I promised last year. And as to the way in which the men regard admissions as compared with out-pensions, I may say that of the 650 applications under the new Act, only twenty asked admission to hospitals. I am happy to add that this change has prolonged their lives, for the death rate among them now is only 7 per cent, while in Greenwich it was 12·3 per cent.

Sir, I now come to the policy of the present Government in connection with shipbuilding. Last year I stated in general terms the strength of our Navy as compared with that of the other principal naval Powers, France and the United States. I will not repeat the details of the statement I made last year; but, pursuing the same system of classification, I will give the general results when the ships we are now building shall have been completed. We shall then have two broadsides of the first or *Hercules* class, six of the second or *Audacious* class, nine of the third or *Bellerophon*, eight of the fourth or *Achilles* and *Royal Oak*, four of the fifth or *Warrior*, and two of the sixth or *Pallas* classes:—in all, thirty-one ships of those classes. We shall have, in addition, two first-class turret-ships, the *Devastation* and the *Thunderer;* five of the second class, the *Monarch*, *Captain*, *Glatton*, *Rupert*, and *Hotspur;* and two of the third or *Royal Sovereign* class:—giving a total of nine. We shall, therefore, have in all forty vessels of the two descriptions, besides five smaller broadside and two smaller turret-ships. The French will have thirty-three sea-going broadside ships and two powerful turret-ships, besides eleven floating batteries and five rams of the *Belier* type. Our forty vessels will carry 576 guns; the thirty-five of the French 318. The French floating batteries have each four guns, four of the rams two guns each, and the fifth ram carries one gun. I ought to say that the weight of the French guns is greater than ours; and, on the other hand, their two first-class ships are not nearly in so forward a state of construction as ours are. With reference to the United States, I have little to add to the statement I made last year. They have no formidable sea-going armoured navy, though they possess an armoured navy which is very powerful for the purpose of coast defence. For our unarmoured navy we shall have one frigate of the *Inconstant* class, two large corvettes, the *Active* and the *Volage*, fourteen corvette sloops of the *Blanche* and *Druid* class, twelve gun-vessels of the *Lapwing* type, and seventeen new type composite gunboats, besides rather over 100 vessels of old types, including some very powerful frigates and corvettes, and a few paddle steamers. As to the most powerful foreign unarmoured navy, I stated last year that the United States had a considerable fleet of cruisers, though I was doubtful as to their exact value. The information that we have since received has not enabled me to add much to that statement; but the proper general description would be that they have a considerable fleet, in being or in prospect, of swift frigates and corvettes, and if temporarily they are not satisfied with all of them, no doubt their ingenuity will soon effect the necessary improvements. Of the other great maritime Powers Russia has a considerable number of formidable monitors, but they are not sea-going ships; Turkey has some formidable broadside iron-clads; and North Germany is making satisfactory progress in the same direction. Such being the present state of our fleet, and of that of the principal maritime Powers, the question is, what ought to be the policy of the Government in regard to shipbuilding? In answering this, let me lay down three principles. The first is, that our policy should not relate exclusively to the year under our notice, but that we should, as far as possible, provide for the normal establishment and annual progress of shipbuilding applicable to ordinary times of peace as long as no disturbing cause arises. The second is, in doing this, we should do our utmost to avoid sudden increases and reductions; and the third, that we should endeavour rigidly to control and discourage expensive repairs, local manufactures, and the system of "finding employment," thus doing in our dockyards the work only that is necessary. But before stating the policy which we propose to adopt, I will review for a moment what has been the policy of the Government during the past few years; and I will endeavour to limit myself as far as possible to a recital of facts, without more controversial remarks than I can help. In the year 1866-7 it was originally decided to build four new unarmoured ships in our dockyards, and to proceed with nine armoured vessels, of ,263 tons, and fifteen unarmoured, of ,203 tons, or in all 16,466 tons. This work would afford employment to 18,618 men—6,682 in building, and 11,936 in repairing. No money was to be spent in contract work, with the exception of the sum—£70,000 or £80,000—required to complete the *Northumberland* and the *Waterwitch.* When the change of Government took place, and the right hon. Baronet opposite the Member for Droitwich (Sir John Pakington) became First Lord of the Admiralty, his only immediate act was to commence the *Captain;* but in the course of the winter he drew up a programme which embodied a great change of policy and large addition to shipbuilding. In the programme for 1867-8 it was proposed to commence seventeen new ships, to proceed with twenty-four, and to complete six; in all to build 6,820 tons of armoured and 16,724 tons of unarmoured vessels, employing 10,025 men in building, and 8,296 in repairs—a total of 18,321 men. By contract it was proposed to proceed with the *Captain*, and to order two iron-clads, one frigate, and ten gunboats, expending in this direction £427,000 for that year. Meanwhile my right hon. Friend (Mr. Corry) had come into Office, and he made the following changes:—He determined to contract for three iron-clads instead of two, a corvette instead of a frigate, and eight instead of ten gunboats, spending about the same sum of money. But in October of that year—only a few months later—a serious change of policy was made by my right hon. Friend. He proposed not only to carry still further the expenditure on contract ships, but also to increase the dockyard establishments and to push on the work upon the iron-clads in hand.

MR. CORRY: I beg to say that I increased the establishment, and entered the extra men, for the sole purpose of bringing forward the reserves which are now under commission in the Coastguard.

MR. CHILDERS: Exactly what I said. My right hon. Friend decided to employ an increased number of men on armoured ships, and accordingly entered an additional number of men. In November the additional men so employed numbered 1,630; in December, 1,860; in January, 1,992; in February the number reached 2,369. In passing, I may say, that this increase of establishments contributed to the excess of £300,000 on the Estimates in the expenditure of the year. But I call attention to it for another reason. It preceded an unaccountable change of policy, which occurred in February, 1868, in the very month when the men employed in the dockyards reached the highest number. Under this new policy the numbers voted by

Parliament were to be reduced by 3,000 men—a reduction exclusive of the number entered beyond those voted the previous year. And the effect was this, that whereas 20,690 men were actually employed in our dockyards in that month, the Estimates then published provided for only 15,272; so that to bring down the men to the number which appeared in the Estimates of 1867-8 involved the discharge of 5,418. And this reduction was nearly effected by my right hon. Friend between the months of March and July, the actual number of discharges, including deaths, being 4,983; averaging a discharge of above 1,200 a month. That was the second change of policy made by my right hon. Friend opposite in 1867-8. In his programme for 1868-9 he proposed to commence three new armoured ships and six unarmoured ships. proceeding with three armoured and twenty-three unarmoured. He proposed to build 7,538 armoured and 6,931 unarmoured tons, employing 5,459 men in building, and 9,833 in repairing; a total of 15,272 men. He also proposed to commence by contract three iron-clads, and to proceed with fifteen other vessels, expending about £680,000. That was the policy adopted by the Admiralty of the late Government in February, 1868. But in the autumn my right hon. Friend again determined upon a change of policy; and shortly before the change of Government, he decided that no new ship should be built either by contract or in our dockyards; and he also determined to close Deptford Dockyard. No details were worked out, but these arrangements he estimated would result in a saving of about £300,000. The state of things, then, that I had to encounter on taking Office was this. I had to deal with the difficulties which had arisen from these three different changes in policy; first, the increase of dockyard expenditure, in 1867, mainly for unarmoured ships; secondly, the decrease of 5,000 men in the dockyards at the beginning of 1868, and giving large contracts outside for armoured ships; and, thirdly, the entire stoppage at the end of 1868 of all new building. Having these three phases of policy before us, it became our duty to consider what course we should propose to Parliament. The first point we determined upon was that we would reverse the policy of building no new ships; and this House supported us in the proposal to build three additional turret-ships, which are now being rapidly advanced. We were satisfied that in this way we should increase very considerably the number of men to be employed in building, and could reduce at the same time the men employed in refitting and minor operations in the dockyards. This policy not only was consistent with, but almost necessarily resulted from, the recommendations of the Committee of 1865 as to closing the minor dockyards; and we therefore recommended Parliament to close Woolwich Dockyard. Our programme for 1869-70 was to commence three iron-clads, and to proceed with twenty-three other vessels, including eight iron-clads. We propose to build 8,866 tons of armoured shipping, and 4,617 tons of unarmoured, making a total of 13,483 tons; to employ in building 5,899 men, as against 5,459 in the previous year, but to reduce the number engaged upon repairs to 8,243; making a total of 14,142. As to contract ships, we proposed no change, merely completing what were in hand. That policy has been carefully carried out. We closed Woolwich Dockyard in October, having given notice of our intention in January; and I desire here to say that, to the utmost of our power, we have acted in accordance with the undertaking which was given to the House — that consistently with what we conceived to be our duty, we would show every consideration to the men who were to be discharged. Of the 2,000 men of whom the establishment at Woolwich consisted, 830 established men and 170 hired men were transferred to other yards; to about 200 pensions were given, 200 others were discharged with gratuities; and of the remainder some 300 were assisted to emigrate. These figures are as nearly accurate as it is possible to obtain them, though in all cases it was not possible to follow the men up; but I think it is a fair average result to say that, in some shape or other—whether by transfer to other yards, by re-employment, by pensions, gratuities, or assistance to emigrate—aid was given to 1,700 out of the 2,000 men of whom the establishment at Woolwich consisted. At all the dockyards we have done what we promised the House we would do—we have discouraged as much as possible repairs and unnecessary alterations, especially to ships of old type; and we have kept our ships as much as possible away from the dockyards. To those who know what becomes of a ship when she gets into the hands of the dockyard, it will be clear that this is not a popular policy, but we shall adhere to it.

Having adopted the policy which I have stated, and carried it out, we are now in a position distinctly to recommend to Parliament what we think ought to be the normal work to be carried on in the dockyards from year to year. We have come to the conclusion, having regard to the present state of the Navy, and to the point at which it ought to be kept up, that we should annually build between 19,000 and 20,000 tons of shipping; of these, about 12,000 tons being armoured and 7,500 unarmoured. Of these 19,000 to 20,000 tons, about 4,000 will be built by contract, and the remainder or about 15,500 tons in our dockyards. This is a larger amount of dockyard building than in the years 1866-7, 1868-9, or 1869-70, and is only exceeded by the year 1867-8. I may be asked, what do 19,000 or 20,000 tons of shipping mean? In round numbers, and having regard to the class of ships we shall now build, this will give us nearly three new iron-clads, one frigate, one corvette, and six small vessels annually. Taking the life of an iron-clad at about twenty years, this rate of building would produce and keep up a force of from fifty to sixty iron-clads, which would be ample for our requirements. The next question is, what establishment of men do we require in the dockyards to do this work? After careful consideration, we have arrived at the conclusion that 6,000 men will suffice for all the shipbuilding, calculated upon the average which I have stated, that being a larger number than has been employed for the last two years; and as to repairing and refitting, we are of opinion that 5,000 men will suffice for that purpose. And, therefore, the establishment for the dockyards may be taken as about 11,000 men.

The Committee will now be anxious to know the expenditure which will be the result of this establishment. If our policy in this respect be carried out, we shall spend annually on shipbuilding and repairing, at home and abroad, allowing for superintendence and pensions, from £2,445,000 to £2,470,000. Of this sum, wages will take £685,000; salaries of all kinds, control and contingencies, about £220,000; stores, including coal for the fleet, £800,000; steam machinery, £250,000 to £275,000; contract building, £200,000; machinery, docks, and other works, exclusive of the great extensions now being made, £130,000; and in pensions, £160,000. Adding up these figures, the total charge for dockyard expenditure will be from £2,445,000 to £2,470,000. But we still consider that it will be possible to make further economies, under the heads especially of control and abroad. The average of these charges, therefore, may be taken for the future at £2,400,000, for which a building power of from 19,000 to 20,000 tons is obtained. Reckoned in the same way the expenditure in 1866-7 was, I think, over £3,000,000, and there were built 15,000 tons. In 1867 the expenditure was £3,440,000, and the tonnage built 33,400; in 1868-9 the expenditure reached £3,620,000, while the tonnage built was 27,400; and in 1869-70 the expenditure was again £3,000,000, and the tonnage 22,300. These calculations have been carefully verified by the gentleman whom I have already mentioned as having rendered so much assistance with reference to dockyard accounts.

I will now state what we propose as to the work in the dockyards for the present year. In the year 1869-70 the Estimates provided for 14,000 men; according to the Estimates for 1870-71 the number will be about 11,200. This reduction will be spread over a period of eight months — from January to August in the present year; we commenced it in January, and until August the average reduction will be something like 400 men a month. And, as shewing how these reductions are effected elsewhere, perhaps the House will be interested in knowing that only to-day I have received a letter stating that in the early part of this month a great reduction took place in the naval yards of the United States, no less than 6,000 or 7,000 men being discharged without any notice whatever. Ours is a very gradual process of reduction in comparison. We have also decided to adopt this year the same course which was taken last year in assisting a considerable number of these men to emigrate to Canada. Two or three troop-ships will again proceed to Canada this year, having room for a considerable number of emigrants; and we propose that the opportunity of emigrating shall first be afforded to those men who are discharged from the dockyards or from the arsenal; and if there should be any space left it is proposed, through the medium of the Emigration Commissioners, to fill this up with artizans from the dockyard towns in which the reductions have been made—especially Deptford and Woolwich, where the dockyards have been closed. The effect of the plan we propose will be pretty nearly to equalize the reductions in the different dockyard towns. But I think some misapprehensions exist as to the extent of these reductions. It should be borne in mind that the closing of Woolwich Dockyard was not followed by the immediate discharge of all the men who had been employed there, many being transferred to other dockyards, temporarily increasing the establishments. The proper comparison is therefore not with the numbers so augmented, but with the strength before Woolwich was closed. On this basis it will be seen that at Portsmouth, in 1868-9, the number of men employed was 3,461, and in 1870-71 the number employed will be 3,045, showing a difference of only 416 men. At Devonport, in 1868-9, the men employed numbered was 3,083, and in 1870-71 the number will be 2,821; the reduction being only 262. But there is a still further consideration to be taken into account. The hon. Member for Liverpool (Mr. Graves) last year, in doing me the honour of supporting the views I explained, stated that he hoped a provision would be included in the Estimates this year for closing Sheerness Dockyard. Now, although I have not this year made any change as to Sheerness, I agree with him as to the propriety of before long closing it as a building yard, although not until the extension at Chatham Dockyard is far more advanced than it is at present. But looking forward to the time when building operations at Sheerness are closed, and when the yard is used only as a fitting and repairing yard, the effect will be to transfer from Sheerness a number of shipwrights now employed, and to increase the strength of the other yards; and thus, in all probability, Portsmouth, Devonport, and Chatham will in the end have as many men employed as last year before Woolwich and Deptford were closed.

Now, Sir, having thus explained what we propose as to the number of men to be employed, I ought to explain what number of ships we propose to build. I will say at once that all the experience and information of the Department point, without doubt, to this—that the class of ships we ought now to push forward is the most powerful class of turret-ships on the one hand, and, on the other, the most powerful and fast-sailing frigates of the *Inconstant* and smaller classes. I sit on the stool of repentance as to the *Inconstant*. In 1867 I said it would be better not to build "*Inconstants*," but that all our wooden ships should be of smaller dimensions. My right hon. Friend (Mr. Corry) concurred with me, and altered the Estimates of 1867-8, building ships of the *Volage* class instead. But I think I was wrong, and I am not prepared to give up entirely the *Inconstant* class. We propose, then, to build the following ships:—First, an additional ship of the type of which the House approved last year—of that most formidable class of turret-ship, able to go to distant stations, and carrying in their turrets guns of the very largest calibre—a ship of a somewhat improved form of what is known as the *Thunderer* or *Devastation* class. [Mr. CORRY: Will she have masts?] No. She will be unmasted; she will be rather larger than the *Devastation*, and considerably more powerful. We propose to build her at Pembroke. I may give the principal dimensions of this ship, to be called the *Fury*. She will be of 5,000 tons, as compared with the *Devastation* of 4,400 tons. The former will be 1,000-horse power, while the latter is 800-horse power; the *Fury* to go 13½ knots, while the *Devastation* goes 12½ knots; both will carry four 35-ton guns; the *Fury* will have 300 men, while the *Devastation* has 250. The draught of both is the same—26 feet 6 inches. The *Fury* will carry 1,700 tons of coal, while the *Devastation* of last year carries 1,600 tons. The weight of armour will be the same. We propose, in addition, to build a second *Inconstant*, and a frigate of an intermediate class, between the *Inconstant* and the *Volage*, at Portsmouth and Chatham respectively. The *Inconstant* is of 4,000 tons and 600 men, and the *Volage* of 2,300 tons, with a complement of about 350 men. We propose an intermediate class, something over 3,000 tons with a complement of 450 or 500 men. In addition to these, we propose to build two small special vessels for service in the Persian Gulf, four additional vessels of the *Staunch* class, two despatch vessels, one sloop of the *Druid* class, and one mooring lighter. The whole number of new ships, besides the lighter, will be twelve. I will now explain what the state of our building will be at the end of the year. We shall have completed at the end of 1870-1 the whole of the ships we had put in hand, except about 4,400 tons of the *Fury*, 5,686 tons of the unarmoured ships to be commenced next year, and 5,500 tons of the three turret-ships commenced this year, in all above 15,500 tons. But of this 15,500 tons part will not be completed in the following year 1871-2, to the extent of about 3,800 tons; so that to keep up our shipbuilding at between 15,000 and 16,000 tons a year, between 3,000 and 4,000 tons of new ships must be the subject of the Estimates for next year. Coming now to repairs, maintenance, and refit, our intention is to employ a considerably reduced number of men in the repairs of ships. We shall keep the whole of the iron-clads ready for sea—the whole of our troop-ships, and altogether about 161 unarmoured ships either in reserve or in commission. The reserve ready will include six frigates, twelve corvettes and sloops, and fourteen smaller vessels, with four additional frigates and four corvettes if required, besides an additional sea-going training ship for naval cadets. In fact, I believe that at no time in the history of the Navy will our reserves have been in a more thoroughly satisfactory state, or the subject of so much forethought.

Before passing altogether from the question of shipbuilding, I am bound to call the attention of the House to an item in, I think, the Miscellaneous Vote —I mean the grant of £5,000 to Mr. Reed, the Constructor of the Navy. When the Vote comes on it may be necessary to explain in detail why this Vote is proposed; but I may now state, in general terms, that Mr. Reed has considerable claims on the Government in respect to work done both before and since he took Office. Those claims I consider to be well founded. When we took Office we found a Minute of my right hon. Friend opposite (Mr. Corry), stating most clearly the views of his Board as to Mr. Reed's claims, and urging this grant to him. I do not, of course, shelter myself behind the opinions of my right hon. Friend; but on my own responsibility I endorse his recommendation, and I believe that the country is greatly indebted to Mr. Reed both for his remarkable improvements in shipbuilding and the great economies which he has effected. I shall be in a position to show that from his skill the country has been saved at least £1,000,000 in the construction of armour-plated ships. At present I will say no more. The Papers will be produced, and it will be seen whether we and our predecessors are right in this proposal.

Before going entirely from the subject of construction, I am bound to state in a few words the policy of the Admiralty not only with respect to ships, but guns. My hon. and gallant Friend opposite (Sir John Hay) the other evening tried to extract some information from me which perhaps I appeared too reluctant to give; but I was unwilling to anticipate the present declaration of our policy. It is as follows:—We are satisfied with the present service rifled guns up to, and including, the 9-inch 12-ton gun. We consider more trial is required as regards the 10-inch 18-ton gun before expressing entire satisfaction. The trials of the 12-inch 25-ton gun having been entirely satisfactory, we accept it for the *Monarch*, *Captain*, and *Glatton*. But it is not considered sufficiently powerful for the new turret-ships *Devastation* and *Thunderer*. We desire to obtain for them the most powerful armour-piercing gun that can be fought in their turrets, and we consider Sir Joseph Whitworth's metal peculiarly adapted for that purpose. It may be that guns of the service pattern may be constructed of sufficient force; but it is our opinion that both should be tried in competition. That is the view we have expressed to the War Office. I hope I have been sufficiently clear and precise on that subject. On the subject of projectiles, we are not satisfied with the chilled shot. During the last three months no less than four shell have broken up in the gun, doing serious damage; and last month nine shot in a 6½-ton gun on board the *Warrior*, broke up in one day's practice. To these opinions I may add that we have no intention whatever to discard or change the service guns already supplied, or institute any general competitive trial of guns. That is the policy we have arrived at after very careful consideration.

I will now proceed to refer to our policy with regard to fleets and men. Last year I described that policy in general terms, stating that it was to reduce our fleets at foreign stations, and especially ships in harbour, to the minimum, and to keep our sailors as much at sea as possible. Now, what have we done in the way of carrying out that policy? My Estimate last year for the force on distant stations —China, the Pacific, the East Indies, the Cape, Australia, and the South-east coast of America — was 8,500 officers and men. The actual number on January 1st was 8,743, the excess being on the India station, and of a temporary character. As to keeping our fleets at sea, we followed this winter the same course as last, sending the Channel Squadron into the Atlantic, with Lisbon as its head-quarters, to return as summer approaches; and I hope that this rule will be permanently observed. The Flying Squadron we dispatched last year has been a perfect success, and scarcely a mail comes in without a letter from Admiral Hornby, describing the great advantages of that experiment, and the improvement effected both with regard to officers and men, and begging that another flying squadron may be sent out this year. There is another point of view in which the Flying Squadron may be regarded as a success. I am one of those who value highly our colonial connection; and I have reason to believe that the presence of the Flying Squadron in our colonial ports has done great good in showing the power of the Empire, and in increasing the feeling of attachment on the part of the colonists towards the mother country. We propose that another flying squadron should be sent to sea later in this year. Pursuing our policy of giving our men as much sea service as possible, we propose to call the Coastguard ships, which are now all efficient iron-clads, First Reserve ships, and to send them to sea every summer with half the Coastguard, and so form a sort of second Channel Fleet. Perhaps I may here say a word of congratulation to those who advocated turret-ships on both sides of the House, on the remarkably successful voyage of the *Monarch* across the Atlantic in mid-winter. She has shown herself in this voyage, as well as in former cruises, one of the most efficient ships ever built. Let me refer, also, to another naval feat—the greatest that has been performed in modern times—the towing of the "Bermuda Dock" across the Atlantic. The dock was eighty feet out of the water and was open at both ends, but she was towed across the Atlantic with perfect success by two iron-clads. My right hon. Friend opposite (Sir John Pakington), who justly took credit for his construction of the *Warrior*, may now congratulate himself upon a new feature she has developed, for she has proved herself one of the most efficient towing ships in the Navy.

I shall now pass to the subject of the men, and the Committee will see that the number in the Estimates is 2,000 less than last year. The reduction has been practically reached already, except as to servants. With trifling variations as to stokers and others, it consists of 500 officers in connection with the retirement scheme, which I shall shortly explain, 500 blue-jackets, 70 servants and artificers, and 300 boys —making a total of 2,000. It may be necessary to give some figures in order to justify these reductions. In the firs place, what is the present state of ou reserves in home ports, including super numeraries, and abroad? We have at th present time at sea, including transports men in ships ordered out or on their way and on their way home, and in th Channel Squadron, 32,850 officers an men, leaving at home something lik 28,200 men. This number is to be ac counted for in the following way:—W have in ships in our home ports, Sheer ness, Portsmouth, and Plymouth, 4,85 men, including those who are calle "unappropriated;" and in our Coas guard (or First Reserve) and drill ship 3,650 men. The number of supernum raries at home, men and boys, is 6,30 of flag officers, their retinues, an the yacht, 300; of Marines on shor 6,200; of boys in training, 2,700; an of the Coastguard on shore, 4,20 being a total of 28,200 men in rou numbers. Of these the immediate available reserve in our ports is 14,8 men — namely, officers, 2,500; blu jackets, 6,100; stokers, artificers, and servants, 3,000; Marines afloat, 2,000; and boys, 1,200: and this does not include Marines on shore, Coastguard on shore, or boys in training. The reduction, therefore, of 500 blue-jackets is perfectly safe. Perhaps, in passing, I ought to say that of the 14,800 men in our ports, 3,000 by yesterday's victualling accounts were on leave, a fact satisfactory to those who may think we keep too many in harbour. To ascertain the requisite number of boys is merely an arithmetical question. You should train a sufficient number to fill up the vacancies caused by the discharge of blue-jackets from casualties. Here are the figures:—In 1864-5 the number of discharges of blue-jackets from casualties was 2,124, and the number rated from boys was 1,899. In 1865-6, the blue-jackets discharged from casualties were 2,007, and the number rated from boys was 1,470. In 1866-7, the blue-jackets discharged from casualties were 1,936, and the number rated from boys was 2,399. In 1867-8, the discharges of blue-jackets from casualties were 1,672, and the number rated from boys was 2,078. In 1868-9 the blue-jackets discharged from casualties were 1,528, and the number rated from boys was 1,775. So that in the years 1864 to 1866 the average rated from boys was 400 less than the casualties; while, from 1867 to 1869 it was 00 more than the casualties—a fact entirely justifying this small reduction we propose. With respect both to officers and men, we have taken certain measures which I will now describe to the House. In the first place, we have "roused out," if I may so call it, from every corner the men who have contrived for years to evade sea service, and we have established a regular roster, by which all the men will be sent to sea-going ships after one year's service at home, with limited exceptions in certain cases of petty officers. As an example of the state of things that prevailed, I may mention that when we took the Channel Fleet to Gibraltar there were in our flagship the *Agincourt* in all five chief petty officers, one of whom had never been to sea at all, having been eighteen years in harbour, and another had been fifteen years in harbour. As another instance, only last week, we had before us an application from four A.B.'s in home ships asking permission to purchase their discharge from service because they were ordered to sea. One of them had been nineteen years in the service, out of which he had been fourteen years consecutively in harbour. Another had been sixteen years in the service, without having been at sea at all. A third had been twelve years in the service, and had never been at sea; and the fourth had been seven years and a half in the service, and had never been to sea at all. These were all continuous service men. I think the Committee will agree with me that it is time to put an end to this state of things. Another thing done during the present year has been the discharging of pensioners at home ports, and substituting continuous service men. This has not been an economy, but very beneficial to the service. We have also taken in these Estimates a small sum for prizes to encourage good shooting among our seamen. The Army and the Marines have always had prizes for good shooting; but there has never yet been any reward for good shooting in the Navy. We have thought that the expense to be incurred under this head will be thoroughly remunerative. We have also carried out at Devonport the arrangements as to depôt and harbour ships adopted by my right hon. Friend opposite (Mr. Corry) at Portsmouth and Sheerness. The system of savings has also formed the subject of a careful inquiry by a Committee, and although it has not reported unanimously, some of the recommendations will be decidedly for the benefit of the service. When we have decided on our action I will lay the Paper on the table. I now come to speak of officers, and this year we have carried still further the plan of requiring officers of every grade to serve abroad before they receive home appointments. We are looking into the messtraps' question, with a view if possible to abolish the present system. It has been tinkered and patched up more than once, but I fear it can never be made thoroughly satisfactory; and that it will be better to substitute a system of personal allowance. We have also made arrangements of very considerable importance in connection with the education of our officers. As the Committee is aware, from time immemorial there has been controversy as to the education both of cadets and of higher officers.

The whole system of entering cadets has been a subject of controversy about which hardly two authorities are agreed. When we took Office I found that my right hon. Friend (Mr. Corry) had incurred considerable expense — I think £30,000—in preparing a new *Britannia* for cadets, and that she was nearly ready to go to Dartmouth. Considering this, we did not think ourselves justified in reopening the question of a college on shore, as compared with the *Britannia*, and we have continued the system of sending cadets in the first instance to that vessel. But we have made considerable changes in the plan of entry and examination. Cadets used to be under training for a year and a quarter after entry, without competition, but by an examination for which they were highly crammed. The changes we have made are to alter the subjects of examinations so as to minimize the power of cramming, to reduce the age, to keep cadets for three years in training, and to admit by limited competitive examination. As to the course of study, we have thought it desirable not to leave it entirely to our own advisers, but we have called to our aid Dr. Barry, of King's College, and Dr. Butler, of Harrow, who have given us most valuable assistance, and have laid down a course of training for the three years which I cannot but think will be thoroughly satisfactory, and give us a much more highly-trained class of young officers than we have hitherto had. We have since appointed a committee, in which Dr. Barry is also assisting us, to deal with the question of the higher education of naval officers. There is a college at Portsmouth, but its operations are clearly susceptible of great improvement, both as to the residence of officers, and as to the results of study there. The Committee are authorized to report on this question, not only with reference to this college, but whether elsewhere any systematic course of study can be laid down for officers; and I anticipate great benefit from their inquiries. But this inquiry has raised again a question of old date—I mean whether there should be kept up a separate line of navigating as distinct from other executive officers. I stand in a peculiar position with regard to this question. I was a member of the Duke of Somerset's Board, which came to the conclusion to stop altogether entering navigating cadets, then called second-class, with the view of putting an end to the masters' line. That decision was come to after much debate in this House. But when my right hon. Friend came into Office he suddenly reversed that decision, and went even further than the former distinctions between the two classes. Formerly the navigating and naval cadets were subject to the same training; but my right hon. Friend removed the navigating cadets to a different ship, and subjected them to a different training from the other cadets. In consequence of the views I entertained when formerly at the Admiralty, I confess that when I came back to Whitehall I found it difficult to know what course to take. What we have done is this—we have transferred these navigating cadets back to the *Britannia*, where there is abundance of room for them. We have applied to them the same rules as to entry, age, and training, which apply to naval cadets, and we propose that the Admiralty shall have the power to transfe annually three navigating officers to th corresponding executive ranks of lieu tenant, commander, and captain, as a experiment. If it succeeds it will en able us to retain the higher rates of pay allowed to navigating officers. If it doe not, we shall have no alternative but t fall back on the Duke of Somerset's ori ginal proposal.

I now come to the state of our Re serves, exclusive of ships in commission Our principal Reserve, the Coastguard o shore, will consist of 4,300 officers an men, all ready for sea, all of them an age at which sailors are deemed eff cient. In this we have made conside able changes since we came into Offic In the first place, we eliminated t civilian element, as to which I r cently gave an explanation to the Hous Secondly, we found no fewer than 6 old men in the force unfit for service sea, and, at some expense, we pension them. We also found a considera number of naval officers who had he appointments for too long periods. The we reduced to the ordinary periods sea service; and we also required twe instead of eight years' previous serv afloat for the men, who will all leave earlier ages. The result is that the Coa guard is now a thoroughly efficient val reserve, consisting of men who v go periodically to sea, and are as fit

Mr. Childers

service as blue-jackets in ships in commission. The next arm of the service I would mention is the Naval Reserve, as to which we have had a joint inquiry with the Board of Trade, and the Papers relating to which shall be laid on the table to-night. We have introduced here a number of minor improvements. One is, that we shall be able to train all the men of the Naval Reserve at the great gun, which we have not been able to do as yet. Another will be a longer continuous training. We also propose to establish a second-class Reserve, which younger ordinary seamen will be able to enter, to be trained for the full time in first-class reserve ships. These are improvements in the right direction; and I am not sure they may not be carried further without entailing any additional charge on the country. The next Reserve is composed of the Marines on shore. We do not propose to reduce the number of Marines this year; but there are questions as to this force in connection with gunnery training which I hope will form the subject of careful inquiry. In addition to these I wish to introduce to the Committee an entirely new available Reserve. The Committee will observe that we provide in the Estimates a nominal sum for preliminary expenses in forming a Seamen Pensioners' Reserve. It is remarkable that the value of our Pensioners has been so long unrecognized. In none of the reports and debates on the subject of Reserves can I find any suggestion that, after a continuous service man's service is over he ought to be available as an efficient member of a Reserve. Army and Marine Pensioners are called out; but Navy Pensioners have been lost sight of altogether. You are discharging on very liberal pensions men after nineteen or twenty years' service, in many cases at the age of thirty-eight. Last year about 00 blue-jackets were discharged under forty-five years old; and 300 more between forty-five and fifty. There are probably now between 2,000 and 3,000 efficient blue-jacket Pensioners under fifty years old, and in the course of ten years the number will probably reach 5,000. We think that something may be done to make these men useful, and we propose to allow all under the age of forty-five to volunteer into a Naval Pensioners' Reserve, the conditions being that they shall be called out every alternate year for a month's training at sea. When they have been called out at least three times and are fifty years of age, they would be discharged from the Reserve, and be entitled also to the Greenwich pension of 5*d.*, instead of at the age of fifty-five. We feel confident that in this way we shall ultimately secure an efficient Reserve of 5,000 men. Let me now recapitulate the strength of our Reserves according to these proposals. We shall have in the home ports 8,000 blue-jackets and Marines; on shore, 6,000 Marines; Coastguard, 4,000 blue-jackets; Naval Coast Volunteers, 2,000; say as available one-half of the Naval Reserve, 8,000; 5,000, the Seamen Pensioners' Reserve; and add 4,000 Marine Pensioners when they are required. This would give us a total force in reserve of blue-jackets and Marines only to the extent of 37,000. Now I need not say that 37,000 blue-jackets and Marines would be more than sufficient to man all the ships that this country could by any possibility send to sea in any appreciable time, including all the iron-clads built and building, and all ships available in reserve. And if we are sure of so large a force as that, I think we need not anticipate the recurrence of the panic of 1860, which was, perhaps, not altogether without foundation. With this Reserve of 37,000 men, and with 160,000 British seamen behind them, I venture to say that the *personnel* for naval defence will be ample.

I pass now to the last question on which I shall have to detain the Committee for any length of time, and that is the fulfilment of the promise which I gave the House last year, that we would propose a plan of promotion and retirement which would, so far as we could judge, get rid of that terrible blot upon our Navy, the redundancy and unsatisfactory employment of our officers. The House will, perhaps, see the general effect of the plan by a reference to three of the Estimates, in which there are unusual items. In Vote 15 there are additions amounting to £45,418 in connection with our plan of retirement; in Vote 16 the additional charge is £39,968; and in Vote 16, again, there is an addition of £36,550; making altogether upon the three Votes an addition of £121,936. But, *per contra*, on Vote 1 there is a deduction of £67,825 due to the same cause; thus leaving the net increase due to the new scheme as £54,111. Before, however, I explain what the scheme is, let me briefly repeat what I said last year as to the evils which it is intended to remedy. The first of those evils is the large number of unemployed officers. I stated that the system of keeping up an excessive number of unemployed officers is open to three objections. In the first place, it is very uneconomical; in the next place, it is very mischievous, by creating discontent among the officers who are constantly on half-pay, and by causing continual agitation for increased pay; and, thirdly, it produces great inefficiency, because in these days if an officer is on shore for a long time he gets behindhand with the improvements that are always going on. Now, what are the facts in relation to the employment of officers? I comprise under the head of employments everything that can be so called, even including the civil appointments under the Admiralty; and really some of those appointments would not exist but for the purpose of giving employment. I omit altogether officers on the retired lists, taking only the active list. Well, we have 17 flag officers now employed in all ways, and 78 unemployed and on half-pay. Of captains, we have 92 employed and 199 unemployed; of commanders, 162 employed and 239 unemployed; of lieutenants, 513 employed and 265 unemployed; of navigating officers, 252 employed and 123 unemployed; of chief engineers, &c., 163 employed and 71 unemployed; of chaplains and naval instructors, 118 employed and 33 unemployed; of medical officers, 390 employed and 135 unemployed; and of paymasters, 157 employed and 149 unemployed. The total number of officers in these classes is 3,156, of whom 1,864 are employed and 1,292 are unemployed. Let me take a few special cases in further illustration of the present state of things. On the 1st of January last we had 109 captains who had been promoted within five years—that is to say, since January, 1865—and out of that number only 10 are employed, or only 1 in 11. Let the House consider what this really means, considering the age at which a captain is commonly promoted. So it is also with the commanders. On the 1st of January last we had 123 commanders who had been promoted within the last three years or less, and only 23 of their number are employed, or 1 in 6. Then, again, in regard to lieutenants, 64 have been promoted in 1869, and only 10 of them have got employment, or 1 in 6. No young lieutenant ought to be on half-pay. These are some grievous cases, which I have mentioned merely to illustrate the working of the present system. Another evil is the want of uniformity in the rules as to pay, half-pay, and retirement. I do not think any two classes of officers in the Navy are put on half-pay or on retired pay upon the same principle or upon the same scale. The whole thing is a combination of happy accidents with the individual fancies of particular Boards of Admiralty. We have tried, as far as possible, to reduce the varied rates of pay and the haphazard mode of classification into something like a uniform system. We also found the system of compulsory age or non-service retirement very partially applied, and we have sought to lay down a uniform rule. We likewise found a most extraordinary excess of numbers in the lower ranks of the service—for example, among the sub-lieutenants, navigating lieutenants, assistant paymasters, engineers, and warrant officers, with whom it is exceedingly difficult to deal. This is also the case in respect to the warrant officers, whose pay, too, is very badly arranged and inadequate. These appointments are what every seaman looks forward to as the ultimate reward of his services; but the rates of pay are found so insufficient that it is often, in fact with very great hesitation that petty officers accept the position of warran officer. During the past year we hav very fully considered all these importan points:—and here I must say that w have derived very valuable assistanc from my noble Friend Lord Camperdown who represents the Department in “an ther place.” It was considered very important that the multifarious details o this great plan should all pass unde the notice of one person besides myse and my advisers, who could devote h entire time to the subject; and this m noble Friend has done with great su cess. I must also acknowledge the s cresy which has been preserved as to plan known for some time to twenty thirty persons. We usually live in glass case at the Admiralty, but was important that the details, whi under consideration, should be kept s cret; and I believe that, to this momen our plan is quite unknown outside. L me state its principles. In the fir place, we propose that there should universal compulsory retirement for all ranks, with in most instances the option of an earlier retirement. We propose that all admirals of the Fleet shall retire at the age of seventy, all admirals and vice admirals at sixty-five, all rear admirals at sixty, all captains at fifty-five, all commanders at fifty, and all lieutenants at forty-five; and we establish similar ages for the retirement of navigating and civilian officers. We propose, also, that all officers who have not served for a certain time shall be compelled to retire—a flag officer after ten years' non-service, a captain after seven years' non-service, and a commander or lieutenant after five years' non-service. We likewise establish a proposed scale of retired pay based on one with which my name was connected as Chairman of the Committee which sat in 1867, and to which my Colleagues as well as myself have given great consideration. The retirement we propose will depend less on good fortune and more on age and service than the present system does. I will not now state the details beyond this, that from the rank of lieutenant to that of captain in future officers will be able to retire on a scale beginning at £200, and ending at not much less than £600; the scale for flag officers being from £600 to a maximum of £950. We also propose to simplify the extraordinarily complicated and confused rules as to sea service, which at present very few persons can understand. We also propose that there should be for all officers other than those I have named a uniform scale of retirement, from £200 to £450, based on service and age; and I would just say, in passing, that in calculating service it is part of that modification respect to good fortune to which I have alluded that half-pay shall count one-third of sea service. We have drawn up an uniform rate of half-pay for all officers except those whom I have named, and medical officers, whose rate half-pay is for special reasons much excess of that of other ranks in the Navy. This rate of half-pay will commence at 6*s*. and go up to 16*s*. We also propose a uniform rate of pay for navigating officers, engineers, chaplains, and naval instructors at from 12*s*. to 22*s*. per day. Then there will be a very greatly improved scale of retired pay for engineers—I do not mean chief engineers, but the inferior ranks of engineers. The scale for warrant officers will, as I have said, be greatly improved, a part of our proposition being the abolition of what is known as "harbour pay," and having only two classes instead of three, the present number. The increase of charge under this head would have been £11,000, but for the reduction of numbers. We propose that there shall be uniform rates of counting junior time, that as regards retired officers no officer shall rise more than one step in rank after retirement, and that, except by way of pension, his retired pay shall never increase. The present state of things in this respect is outrageous, inasmuch as officers rise to the rank of full admiral who, perhaps, have not served since the time they were commanders. There will be a different arrangement in respect to the flag officers' Greenwich Hospital pension, which can only be given to officers on the active list; and also with regard to good service pensions. It is proposed that retired officers shall, under certain circumstances, be able to retain their good service pensions and the total number will be increased. There is one point, however, on which we have felt it impossible to make the concession which some persons desired. I allude to the proposition that officers who are already retired should have their retirements increased. It would be impossible to do this without raising claims from all superannuated and retired public servants, including those of military officers and civil servants, and therefore we have felt obliged to reject that proposal. But we have extended the facilities for granting pensions to retired officers; and in one case we have put an end to a controversy as to the meaning of certain conditions of retirement which has been more than once before Parliament. I mean our old friends the F.G. captains. This disputed question has caused more heartburnings than perhaps any other in the service. My right hon. Friend (Mr. Corry) thought he had settled the question by dividing the list into two classes, and by giving one half what they asked for, but refusing it to the other. I am sorry to say that this has proved an entirely untenable solution, and the principle of the claim having been conceded, we have had no option but to grant it to all. There are two other small matters which I may mention. In the arrangements for pensions to the widows of warrant officers there is a gap. The pensions to the widows of warrant officers were discontinued in 1830; they were granted again in 1860; so that there is an interval of a few years within which widows did not become entitled to pensions. We propose the privilege shall apply to all. At present, also, if the widow of an officer marry again, she loses her pension, and it is not restored to her if she again becomes a widow, even though she may be left in a state of destitution by the death of her second husband. This is a hardship, and we have arranged that her pension shall be restored to her if she should be again left a widow. As to the scheme generally, we have respected vested interests. Present officers will be allowed the option of accepting either the new plan or the old one as to pay, and also as to half-pay and retirement; or they may accept the new plan of half-pay and retirement, retaining the old one as regards pay. The compulsory retirement will, however, extend to all. As to the numbers, the following are the propôsed figures:—We shall ultimately have flag officers, 50; captains, 150; commanders, 200; lieutenants, 600; navigating officers, including staff captains, 265; chief engineers, including inspectors of machinery, 180; chaplains, 100; naval instructors, 75; medical officers, 476; paymasters, 240; making a total of 2,336 instead of 3,156, and thus showing a reduction of 820. This will leave still, compared with the numbers now employed, these numbers on half-pay—Flag officers, 33; captains, 58; commanders, 38; lieutenants, 87; navigating officers, 27; chief engineers, 17; medical officers, 86; paymasters, 83; or a total of nearly 500, including chaplains. I fear that even these numbers on half-pay will increase as the conversion of our fleet proceeds. With respect to the subordinate rank the present number of warrant officers is—On sea service, 968; in harbour, 185; giving a total of 1,153. We put down the number for the future at 886. Of engineers the present numbers are—On sea service, 727; in harbour, 229—total, 956. The number in the future we estimate at 800. We propose no reduction in the number of Marine officers; but we propose for them a plan of retirement nearly similar to that suggested by the Committee of 1867. Our plan is, that the ages for compulsory retirement shall be—for generals 70; reserved colonels, 65; colonels, 60; lieutenant-colonels, 54; and captains, 48. In the last three grades, the optional retirement will be six years earlier. Passing from that, I will say a few words as to the necessity for the reduction of the number of entries, for it would be useless to reduce the list at the top unless you reduced it at the bottom also. I find this extraordinary state of things, for example, in the lower ranks. There are at present 352 sub-lieutenants, besides navigating sub-lieutenants, 647 midshipmen, and 490 assistant paymasters and clerks; whereas, only 200 sub-lieutenants, 400 midshipmen, and 260 assistant paymasters and clerks are required. But this is not the worst. Our difficulty will be much greater for the next three or four years. In this year, 1870, the young gentlemen nominated in 1864 will come forward to be examined for sub-lieutenant. The nominations of 1864 were 214. In 1865, the whole number nominated was 193; they will come forward in 1871. In 1866, the number was 160; they will come forward in 1872. In 1867, the number was 175; they will come forward in 1873. I remember that my right hon. Friend opposite took credit for a reduction in the number of nominations in 1867; but he forgot that, in consequence of the introduction of second cadets, the nominations actually arose from 160 in 1866 to 175 in 1867. After making allowance for contingencies, we may calculate that within the next four years above 600 young men will have passed for sub-lieutenant, or navigating sub-lieutenant, in which rank they will remain two or three years; whereas the total number so passing ought not to be more than 350. In 1868, the number of nominations was reduced to 150; in 1869, it was brought down to 126, and we propose that in future it shall be 105—made up of eighty-one naval and twenty-four navigating cadets. This according to calculations made on the system adopted by actuaries, will give us about the number of officers that we shall really require. Perhaps I may be allowed to institute some comparison between the numbers of our own officers and those of the French Navy. It will be found that, including on our side Marine officers below field officers, navigating officers, and subordinate officers down to midshipmen, and on the French side the *enseignes de vaisseau*, and the *aspirants de premiere classe* we shall have a total of 2,350 officers, against 2,050 in the French Navy. So that we shall still be in excess of a navy which, in these respects, is generally considered over rather than under officered. The House may wish to know what will be the future financial effect of these changes. In the first year there will be an addition of £54,111. In the second year, the amount of increase will be reduced to £42,499. It may be assumed that all the compulsory retirements will be in the first year and two-thirds of the optional retirements; in the second year, there will be half of the remaining third of the optional retirements and half of further reduction to bring down the number to those proposed. In the third year, the numbers being fully reduced, the increase of charge will be diminished to £30,886. In the fourth year, instead of an increase of expense, there will be a saving of £7,552. In the ifth year, there will be a saving of £45,990. A steady saving will then go on for twenty or twenty-five years, until all the lists will be in what may be called their normal condition, and when the saving in the pay, half-pay, and retired pay, of officers is estimated to amount to from £300,000 to £350,000. The present number of officers and subordinate officers of all ranks is 6,081 on full pay, and 1,194 on half-pay, and the effect of these changes will be to reduce the ultimate number to about 5,500.

SIR JOHN HAY asked whether the Admiralty intended to adopt the proposal of the Committee relative to the commutation of the annuity?

MR. CHILDERS: I am obliged to my hon. and gallant Friend for reminding me. I should have mentioned that last year we passed an Act under which the half-pay and retired pay of naval and military officers may, with the consent of the Admiralty and War Office, be commuted.

SIR JOHN HAY inquired whether the Admiralty retained the power of refusing their permission to the commutation?

MR. CHILDERS: Yes, but practically this power will be rarely exercised, and under the regulations published to-morrow, officers will be allowed to commute their pensions for a fixed sum, so calculated that no loss will accrue to the Government.

I have now gone through all the important questions contained in the Estimates which we have laid before the House. When we first took in hand the very heavy task which devolved on us in the administration of the Navy, I and my Colleagues laid down three objects which we determined to keep steadily in view. One was to do all in our power for the efficiency of the naval service. That is and must be the first object of every First Lord of the Admiralty; and, considering what we have done in increasing the efficiency of the men, in keeping our ships at sea, and improving the work of the dockyards, and in grappling with every kind of abuse, we confidently appeal to this House and to the public for the confirmation of our assertion that the efficiency of the Navy has not suffered at our hands. Next, to the efficiency of the service, we determined to keep economy in view. I do not say that what others might not have done; but I have shown that we have effected a net annual economy in the naval receipt and expenditure of £2,000,000, as compared with the two years previous to our administration. Our third object was to render the service contented. So long as we had a large number of officers unemployed, and while some of the questions I have mentioned were unsettled, no one can wonder at a certain uneasiness and want of contentment in parts of the service. We believe, however, that the proposal I have made to-night ought to remove these feelings; and, if that prove so, we shall have succeeded in our third object. Efficiency, economy, and contentment are, then, the main basis of our naval policy. I have explained to the House—not, I trust, at too great length—how we propose to attain these great objects, and my only hope is that the House will endorse our policy. I move, Sir, that 61,000 Men and Boys be employed in theSea and Coast Guard Service for the year ending the 31st of March, 1871, including 14,000 Royal Marines.

MR. CORRY: Sir, I have listened with great interest to the very clear statement which has been made by my right hon. Friend the First Lord of the Admiralty, and I can assure the Committee that if I object to the extent of the reduction he proposes, it is not because I do not recognize economical management as a primary obligation on every Minister, over whatever Department he may preside. I think I have given some proof of my sense of that obligation, because, although the Estimates prepared by the late Government—by my right hon. Friend the Member for Droitwich (Sir John Pakington) for 1867-8, and by myself for 1868-9, were large Estimates, there were special reasons why they should be so. Looking at the state of the Navy as we found it, we should have been false to our duty had we not proposed increased expenditure on both unarmoured and armoured ships. But even in the Estimates for 1868-9, although I made largely increased provision for the building of armour-clad vessels, I also effected considerable reductions in other branches of the service, though in consequence of circumstances over which I had no control I failed to derive the financial advantage from those reductions which I otherwise should have obtained. I was obliged to provide for increased rates of pay and allowances to certain classes of seamen and to Marines, and I had also to propose a considerable increase in the Vote for Victuals, in consequence of the rise in prices consequent on the badness of the harvest of the previous year; whereas, in the present year, my right hon. Friend has had the advantage of a fall in the prices of wheat, meat, and other principal articles of consumption. But I was more fortunate in preparing the Estimates for the current financial year, which were far advanced before I left Office; and if I had been spared to propose them, I could have shown that I had reduced the Naval Votes to as nearly as possible the same amount as those for 1866-7—the last Estimates of the preceding Liberal Government—but that I had made such reductions in the non-productive Votes, that I was able to apply between £500,000 and £600,000 more to increasing the material strength of the Navy, in the purchase of engines, the building of armoured ships by contract, and the great extensions now in progress at Portsmouth and Chatham. It is true that in his speech at Perth the hon. Member the Secretary to the Admiralty (Mr. Baxter) attributed the whole of the reduction of the Estimates for 1869-70 to the introduction of the commercial element—that is, of himself—into the Admiralty; but this was hardly consistent with the regard to the rights of property, which might have been expected in a Gentleman of his position. I must remind him that more than half of the reduction to which he referred on that occasion was due to me. The First Lord of the Admiralty fell into a similar error when he said that he had effected a reduction of £2,000,000 in the Navy Estimates. He should have recollected that at least £500,000 or £600,000 of the saving in 1869 was owing to reductions I had effected before leaving Office. But there is a broad distinction between economy within the limits of what is due to efficiency and economy carried out in fulfilment of a pledge given on the hustings for party purposes, and I cannot doubt that it is under this influence that these Estimates have been prepared. If that be so, it will not be for the first time that the Navy will have to deplore retrenchment having been made an election cry by the party opposite. I am, unfortunately, old enough to recollect, as a Member of this House the times of the first Reform Bill. Th Liberal cry then was "Peace, Economy and Reform," and, as regards the Nav the results were inadequate Estimates— dockyards stripped of stores, and ship building and the manning of the Nav neglected. Some of us must remembe the alarm at the state of the Navy, whic after the lapse of a few years, filled th public mind, and the agitation whic ensued in and out of Parliament on th subject. When the Liberal party cam into Office, in 1830, England's was the onl Navy worthy of the name in the worl but during the long period of Liber rule from 1830 to 1841—for Sir Robe Peel's first Government, in 1835, was too short duration to have any influen in the matter—while other Powers we applying themselves energetically to t re-organization of their navies, the En lish Navy was allowed to remain nea at a standstill. In order to avoid t suspicion of misrepresentation, I w let a Liberal Secretary to the Admiralt describe the result. Mr. More O'Ferra who was the Secretary in 1839, in mo ing the Estimates, said—

> "Up to 1830 scarcely any progress was ma by foreign Powers in increasing their naval for But since that time great attention has been p to the subject not only by France, but by ev other naval State, and if we wish to maintain maritime supremacy, it behoves us to provide additional number of large class ships."

It was not till after nine years of supineness that this necessity dawned upon the Liberal Government of the day. And what were the consequences from which we narrowly escaped? In the following year a difference which threatened war, arose between England and France on the Eastern question. We went to war with Egypt. The French fleet in the Mediterranean was stronger than ours. It was numerically stronger; but still more so in the individual strength of the ships of modern construction which composed it, and which were far larger and more heavily armed—mounting from eighty-six to 100 guns each—than ours. With the exception of an old three-decker — the *Princess Charlotte* — our fleet consisted chiefly of the almost obsolete ships of seventy-two guns built during the Great War; and so convinced was Admiral Lalande of his superiority that he implored the French Government to permit him to attack Sir Robert Stopford, and told them they might never have such another chance again. If another Minister had happened to be in power in France at the time, nothing could have averted a war between the two countries, which would have been traceable exclusively to Liberal economy in the administration of the Navy during the ten preceding years. In 1841 a Conservative Government —as I think, fortunately for the Navy —came into Office, and lasted until 1846, during the whole of which time I had the honour of serving either as a Civil Lord or as Secretary of the Admiralty. It was a critical moment for the Navy, as the screw propeller was then first introduced. We found the *Rattler*—the first screw vessel-of-war—on the stocks, and as soon as she was built, we put her through various experiments, and tried her against other vessels of her class; and the result was that in 1844, after considering the question well, we determined upon substituting the screw propeller altogether for the paddle-wheel in ships of war. Between the 1st of January, 1845, and the summer of 1846, when we were turned out of Office, we ordered no fewer than thirty-four screw vessels-of-war, four of which were line-of-battle ships, and eleven frigates, to be either built or converted for the screw. But in 1846—unfortunately for the Navy — a Liberal Government returned to power. They immediately suspended the conversion of the four line-of-battle ships, and had it not been for the influence of my late gallant and lamented Friend Sir William Bowles with Lord Palmerston, with whom he was nearly connected, it is probable the process of conversion would never have been resumed under that Administration. They moreover countermanded several of the screw vessels we had ordered, and—strange as it may appear in these days—ordered a number of the worst paddle-wheel frigates that ever belonged to the Navy to be built instead. In 1852 a Conservative Government again came into Office, and found that the screw navy had been so neglected— and in those days the "screw" meant what "armour" means now-a-days, that is to say, that a man-of-war could not be considered effective as a fighting ship without it—that it felt itself under the necessity, although at great financial inconvenience, as, I believe, for I was not a member of that Government, to propose a supplemental Vote in the autumn Session for engines to increase the screw navy. At the end of 1852 Lord Derby was turned out, and the Liberal Government came in, and remained in power till 1858. Again our naval preparations were inadequate to the maintenance of our naval supremacy, and again the obligation of restoring it was imposed on the Conservative Government which succeeded to Office in the latter year. During all this time France, profiting by the experiments we had made down to 1846, built a series of magnificent ships—the *Napoleon* and other screw ships, and converted many of her old line-of-battle ships and frigates into screw vessels. The state of the Navy was well known on the Continent, and a remarkable publication in German—known by the name of "The Leipsic Article"—appeared about this time. It was written by no unfriendly hand, but concludes in these words—

> "In summing up we must pronounce that the French Navy surpasses the English in capacity, &c. France need feel no hesitation, in the present posture of affairs, in placing herself in comparison with England."

Here we have the idea prevailing on the Continent in 1858 that the French Navy was at least equal to our own. And was the prevalence of such an opinion as this unattended with danger to the preservation of peace? We all remember that in 1858, as in 1840, we were in imminent danger of war with France, upon the defeat of Lord Palmerston's Government on the Conspiracy Bill. We all remember the addresses of the French colonels, published in the *Moniteur*, and it is not difficult to connect those addresses with the belief that the Navy of France could have borne its part successfully in the warlike policy which they urged. Thus you have had two narrow escapes from war through starving your Navy, and by this time you should have learnt the folly of such a practice. It was not a Tory idea when we came into Office in 1858, that the Navy should be strengthened. The absolute necessity for restoring our naval preponderance was urged upon my right hon. Friend the Member for Droitwich (Sir John Pakington) by Sir Baldwin Walker, the Surveyor to the Navy, as the Controller was then called, who was, I believe, a Liberal in politics, but too honest a man to be influenced in the discharge of his duties by political considerations. The result was increased Estimates, including a Vote for the first armour-plated ship—a class in the building of which France had led the way. In 1859 the Conservatives were again turned out, and when we returned to Office in 1866 we found ourselves placed once more under the old obligation, and your own Controller pressed upon my right hon. Friend (Sir John Pakington), in the strongest manner, the necessity for making increased provision for building unarmoured no less than armoured ships. You, the Liberals, have profited by our expenditure and obtained the credit of being economical managers; but it is to the advents of Conservative Governments, few and far between, that the country is indebted for the preservation of its naval power. But the First Lord of the Admiralty assures us, of course, that his economy is regulated by a due regard for efficiency. I have never known a low Estimate that did not make ample provision for efficiency, nor a high one over which the genius of economy did not preside. My right hon. Friend says the Navy is now more powerful than ever; that is certainly true in one sense; as long as we go on creating an armoured Navy, it of course becomes stronger and stronger from year to year, as far as ships are concerned; but it is hardly fair for the right hon. Gentleman, when his three ships ordered last year are as yet hardly visible to the naked eye, to point to our squadrons of armoured and unarmoured ships, and say—"This is all my thunder!" I have lately been at Chatham and Portsmouth, where two of his ships are to be built, and the keel of one is not yet laid down, and the other has made very little progress. The right hon. Gentleman shook his head at what I said just now; but I must so interpret his speech last year (when I was absent abroad on account of ill-health), of which a summary appeared in *The Times*, stating "that his administration had given England a stronger fleet than she had possessed since the French War."

MR. CHILDERS: I do not remember that speech at all.

MR. CORRY: I certainly read it as I have stated.

MR. CHILDERS: I never made any speech at all.

MR. CORRY: It was upon an occasion in last July on which the Secretary to the Admiralty preceded my right hon. Friend, and boasted of what he had done in buying coals and other articles, and then the right hon. Gentleman is represented to have wound up his speech as I have just quoted. My right hon. Friend would do well to remember the dictum of a French author of great authority on naval subjects, which ought to be engraved on the mind of every naval administrator—"*On n'improvise rien en marine.*" I am afraid my countrymen have not very excellent characters for modesty; but I think my right hon. Friend might take a leaf out of my book in that respect, for a short time after I was appointed First Lord of the Admiralty, I remember saying, in returning thanks for the Navy before a distinguished audience, that I could speak of its efficiency with the less reserve because I had been so short a time in Office that it was impossible any of the credit of it could be due to me. But my right hon. Friend attributed the whole credit for the state of the Navy to his own Administration, after having been only a few months in Office, and rested his claims on the Channel Squadron, the Flying Squadron, and the state of the Reserves. Now, I have been labouring under the delusion that for the condition of the Reserves he was, in a great measure, indebted to me. I have some idea that the Channel Squadron has been in existence for many years—I certainly embarked in it myself nearly three years ago; but I willingly concede to my right hon. Friend whatever credit may be due to him for the Flying Squadron—except that most of the ships of which it consists were brought forward by me—but so far from being an element of strength, it is, in my opinion, an element of weakness, because it wears out in time of peace the best of the few ships we possess adapted to the protection of our commerce in the event of war, and places them all over the world beyond the reach of the Admiralty, and very possibly at the antipodes to the place where their services might be urgently required on an emergency. The men and officers could be trained quite as well if the Flying Squadron were kept nearer home. I have been much amused of late at one testimony in favour of the efficiency of the present naval Administration, which has been strangely put forward by some leading organs of the Liberal press—whose favour it is not surprising it should conciliate, because its policy is essentially a leading article policy—I mean the recent Report of the Secretary of the American Navy. But from beginning to end there is hardly a single paragraph of the Report applicable in the way of approval to the present naval Administration. In bearing testimony to the general efficiency of our Navy, the Report testifies to the administrative capacity of the successive Boards—and thus does them the justice which has been denied them by their own countrymen—which have organized our fleets of broadside sea-going armour-clads and provided the resources in the dockyards for the repair and equipment of the fleet, the reserves of seamen, the continuous service system, training ships, badges, gratuities, &c. But I have yet to learn how we are indebted for any of these things to the present Board. One of its passages is anything but in approbation of the First Lord's policy. It dwells on the necessity of providing steamships with adequate sail power. But the First Lord is building them without any sail power at all. I think this is the only remark applicable to the present naval Administration in the whole Report. There is one part of it which I look upon as a triumph to myself. Two years ago the late Board was held up to ridicule by certain writers whose style is familiar to me, for its ignorance of the fact that America possessed a fleet of sea-going monitors which could cross over to England and blow our Channel Squadron out of the water. But what does the American Secretary say on this subject?—

> "It is true that our best monitors would, if brought into action, be powerful against anything that floats, but they are steam batteries, not sea-going cruisers. Some of them have illustrated their capacity for a sea voyage under favourable circumstances, but they could not be used with advantage as cruisers. They would require several vessels to accompany them, and, being entirely without sail power, must be towed as soon as their coal is exhausted, and with broken or disordered machinery they would be helpless in mid ocean."

These are the ships which we were told two years ago were to sink the Channel Squadron, and frighten the good people of Aberdeen. But the American Secretary speaks highly of the broadside iron-clads of England and France, which our critics pronounce to be absolutely useless, and declares them to be effective for every warlike purpose, and able to keep at sea under all circumstances, and he gives practical proof of the sincerity of his opinion by recommending that the Americans should build no fewer than eight or ten of these vessels for their own navy. So much for our worthless and obsolete broadside armour-clads, and so much for the approval of the American Secretary of the naval policy of the present Administration. If the present Board can give us a goodly account of the state of the Navy in respect of ships, it is of necessity entirely to the Boards which preceded it that this is due. During the course of the present year the whole of ten armour-clads ordered by the late Government — which are among the best armed ships in the Navy — two of them turret-ships, and one a powerful ram, ought to be available for service. They will be an enormous addition to the strength of the Navy; but I think that we are entitled to some credit for this, and that when the First Lord has these powerful ships at his disposal, he will hardly have a right to say—"See what my Administration has done for the Navy! But, whatever may be the strength of our Navy in ships, I deny that it can be in proper efficiency in the present state of affairs —whether as regards stores, or the crippled condition to which the civil departments at Whitehall and at the ports have been reduced. We may have men, and we may have ships given us by former Boards, but have we the means of making them immediately available on an emergency? Without this the Navy is insufficient for the main object of maintaining it. As respects stores — both as to quality and quantity — the state in which I have found the dockyards on some recent visits to them appeared to me, as an old-fashioned administrator, to be most unsatisfactory. As to quantity, they are, as I am informed, positively denuded of the means of providing for even a small addition to our naval force in the event of an emergency; and, if stores were living things, and could reason, they would live, like the unfortunate clerks, in daily dread of being abolished. The Committee would like, perhaps, to have some illustrations of this. Some time ago the *Minotaur* sprung or carried away her three lower yards, and I found that Portsmouth—our greatest naval arsenal — was so stripped of stores that it would be a strain on the establishment to provide this single ship with new ones. Does the right hon. Gentleman think he can buy lower yards for line-of-battle ships in the market? Then, I have been told that an officer was sent down from the Admiralty to report as to how many anchors might be sold with advantage at Portsmouth, and he decided that 187 might be disposed of, although in that event only five large anchors would have been left in the dockyard, four being the complement for a single ship. It is quite right that obsolete stores should be sold — and while we were in Office we were selling them at reasonable prices—but to-night it has been admitted that serviceable anchors have been sold at most ruinous prices. The system of supplying stores to the dockyards has been entirely changed, and, in my opinion, for the worse. Under the old system the quantities of imperishable stores demanded and supplied were equal to the estimated expenditure of the quarter, and the surplus on hand remained for an emergency. But now, when the quarterly demands are sent up the supply is cut down to what, along with the quantities in hand, will meet the expenditure, and the necessary consequence is that the dockyards are nearly denuded at the end of the quarter of those descriptions of stores which are included in the quarterly demands. In short, the expression I heard everywhere was—"We are now living from hand to mouth, and have no stock for an emergency." This system may be in accordance with commercial principles; but I maintain that it is absolutely incompatible with the proper administration of a great navy. As respects the quality of stores now supplied under the new purchase system, the state of things is still more alarming. Formerly every precaution was taken to supply the Navy with the very best articles which could be procured, and to this may be attributed, under Providence, the marvellous exemption from the casualties of the seas so long enjoyed by our men-of-war. Let us consider the case of anchors. The Admiralty has often been abused for paying more than the market price for anchors—although, by the way, there is no market price for the large anchors used in the Navy. But no price could be too high so long as it gave an additional guarantee for the safety of our ships and the lives of our seamen. Look at the hurricane off Balaklava. While the merchant ships supplied with anchors and cables at what are called market prices were going ashore and being wrecked in scores, not a single man-of-war parted from her anchors; but I suppose our ships are now to take their chance, and be lost on strictly commercial principles. And not only is it the case that inferior articles are now supplied, but the Admiralty is doing its best to induce the officers of the yards to receive, or rather to intimidate them into receiving, stores unfit for Her Majesty's service. I was informed of more than one instance in which the officers, having rejected a delivery of stores as unfit, were informed by the Admiralty that they must have been influenced by some improper motive, and were ordered to receive them. How can it be possible to carry on the service if officers are treated in that way? And on what sort of authority has the opinion of the practical officers who, I have no doubt, exercised their judgment with the utmost honesty, been overruled? I will give an amusing illustration of this. Some time ago some very bad sheathing paper—the paper placed between a ship's bottom and the copper—was rejected at one of the yards, and what did the Admiralty do? Why, they actually sent it to the Stationery Office, thinking, no doubt, that the officials there could form the best opinion as to its fitness for naval purposes. The Stationery Office reported in its favour, and the officers were ordered to receive it, and a great part of it was so weak that when dipped in tar it tore with its own weight and was useless. Formerly any article not equal to pattern or specification was at once rejected by the officers. Now the vendor has a right to appeal, and the result sometimes is, that articles admitted to be unequal to the specification are ordered to be received at reduced prices. The necessary tendency of this s to encourage contractors to supply inferior articles. I have been told that some eather which was sent down to be made nto hose was refused by the dockyard officers at Portsmouth on the ground hat it was manufactured from the kins of diseased animals, and full of oles, and consequently unfit for use. The House will, of course, understand hat I am not stating this as a matter of fact, but am merely repeating what I was told. ["Hear, hear!"] At all events, my information is derived from a very trustworthy source, and I am told that this leather was submitted o the examination of a maker of hose n London, who reported it to be quite itted for the purpose for which it was ntended. It was accordingly returned o Portsmouth, and one of the officers here said—"We can, it is true, make ose with it, but in consequence of he inferiority of the stuff the cost of anufacture will be double what it ould have been if the leather had been good quality." This leather, I be- eve, was purchased from Mr. Empson, Dundee. It was, I believe, ultimately ken by the Government at a reduced rice; but the result of such a course ust in the end prove most disadvan- geous to the service. At Chatham I et an intelligent person who was con- ected with the ropery, and I said to m—"What sort of hemp are you etting now?" "Well, Sir," he re- ied, "awful bad hemp has been sup- ied under the new system." I found at a large proportion of the Italian emp, lately sent in, was reported to be d. The Admiralty sent back to ask if was not suitable to be received at wer prices, and the answer was that it was not fit for average service. I do not know whether this hemp was ordered to be received; but, if so, when a vessel finds herself on a lee shore in a heavy gale the officers and crew will give small thanks to the Admiralty for having supplied them with cheap hemp. There is no article to which these remarks are more applicable than to coals, in respect of which the Secretary of the Admiralty claimed so much credit for himself and the Board last year. The hand-to-mouth system has been applied to coals, as to other articles, and no sufficient stock is kept on hand to meet any unforeseen demand. I was informed that at one time, at Portsmouth, the stock of Welsh coal was reduced to 1,000 tons, or less than would be required by one of the Indian troop-ships. I can myself testify to the badness of the quality of the coal supplied for the service of the dockyards, as what I saw burned to ash in the most wasteful manner. My right hon. Friend has told us that there has been a great saving effected in the price of coal. This may be so; but I asked a person connected with one of the smitheries—"What sort of coal do you get now?" and I may mention that I only put down the most graphic replies I received—those which struck me as being very forcible and coming from the men's hearts. This man answered—"Coals now are tremendously bad. They are cheaper than they used to be, but we don't know into whose pocket the difference goes. They come in at all sorts of prices." The hemp was "awfully bad," and the coals "tremendously bad." Another informant said to me—"The smithery coals are an extraordinary looking article, and so small that they cannot be used by themselves. We cannot keep them piled up over a large forging, they shake down from the smallest concussion of the steam hammer, and it is necessary to employ men constantly to shovel them up." This is a curious sort of economy. An engineer officer, of great experience, to whom I put the question, told me that the loss from waste was greater than the saving in price; that some very inferior coals were now sent in, and that he was convinced the public lost by the present system. With respect to coal, all guarantee against fraud, as far as concerns the supervision of the dockyard officers, is abolished, because, be a delivery ever so bad, they are not allowed, not only to reject, but even to object to it, and there is now no test whatever. It is treason to question the judgment of the broker, and good or bad it must be received. Before this rule was laid down, the officers in one of the yards refused to receive a cargo—"it was so bad." The Admiralty telegraphed back that there was no alternative—"You must use them, and report on them afterwards." That coal, I believe, was for dockyard purposes; but even for ships the officers are obliged to receive coals which have not been subjected to any test whatever, and the captains are to report on them after use. The First Lord of the Admiralty is reported to have said last year that he thought it scarcely right that the rule laid down three years ago, that none but smokeless coal should be supplied to the Navy, should be observed, merely because it had been recommended in a Report from the West Coast of Africa. I do not know whether the nautical experience he has since acquired in command of a combined squadron has opened his eyes in this respect; but as it may not have done so, perhaps he will allow me to read a short extract from a letter I received not long ago from an officer of experience and ability, now commanding one of Her Majesty's ships, as it places the question in the clearest light. He says—

> "The change from Welsh coal to North Country coal is inexcusable. We are all trying the best method to adapt our furnaces to consume it, but no one who is conversant with the subject can think we shall make it smokeless. There is no reason whatever in favour of North Country coal except the supposed one of economy, and that is very doubtful. It certainly costs less per ton, but after you have steamed for twenty-four hours your flues get so foul with soot that you waste your coal, lose the heat up the funnel, and fall off in speed. With smoky coal you lose speed, damage your sails and rigging, damage your men's clothes, disgust your ship's company with constant dirt and cleaning, and all this in peace time. In war smoky coal would at once be pitched overboard, and Welsh coal purchased at any price, for a cruiser with smoky coal would be a beacon to an enemy to enable him to attack if of superior, or to run away, if of inferior force. Ask American officers of the Civil War, and they will ridicule a fleet with smoky coals."

The supply of smoky coals is one of the numerous blessings for which the Navy is indebted to the present Admiralty. There are various other objections to the use of North Country coal which

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have been brought to my notice by eminent engineer officers. One great defect in our ships, which is urged by many, is the smallness of the quantity of coal they can stow. Well, Sir, I learn from officers, who speak from practical experience, that as North Country coal burns quicker, from 13 to 15 per cent of stowage is lost. Welsh Country coal would carry a ship a proportionately greater distance. "Of two equal ships —one supplied with Welsh and the other with North Country coals—the one with Welsh would steam one-sixth longer. North Country coal fouls the flues and tubes, prevents draft, reduces speed, and causes waste of fuel. Admitting air behind the furnaces diminishes but does not remove the black pendant. The waste from ash and clinker is greater than the saving in price. Great labour is entailed by the bars getting hot, and the necessity of drawing the fires to clean them." You have therefore with North Country coal more dirt, more labour, less stowage, and less speed. Now, in the name of common sense I should like to know what is the use of providing your ships with engines of enormous prices, and boilers to develop the utmost steam power, so as to obtain the greatest possible speed, when you put coal on board them which neutralizes what you do for that purpose? I was talking the other day to an engineer officer of experience who told me that with indifferent coal and indifferent stoking the speed of a ship might be diminished two knots a hour—that is to say, that a fifteen knot ship might be reduced to thirteen knots —"and that," he added, "is about the difference resulting from working the engines with full boiler or only half boiler power." This may give the Committee some idea of the impolicy of supplying the Navy with any but the best coals. But if our dockyards are crippled in respect of stores, they are no less so in respect of what is of equal importance—I mean the establishment of officers for the supervision of work and the custody and proper appropriation of the valuable property they contain. I think that the reform of the establishments has been carried too far, and in many instances in the wrong direction, although I readily admit that the old establishments required readjustment and reduction, and this was one of the measures I was anxious to carry out beore I left Office. I did effect, as the irst Lord knows, very great economies n the service of the ports. Among thers, I reduced, by means of an entirely new system, the number of men n charge of the ships in ordinary by ,000, and the estimated annual cost of aking care of the larger ships from 1,000 to £200 each, and it was my wish o introduce analogous economies in the nanagement of the dockyards also. But I was unfortunately prevented from ntering into the consideration of this uestion by the lengthened absence of e Controller, on leave in Italy, until fter the Elections—that is to say, until ust before my resignation. On going rough the Dockyard Estimates with e Chief Constructor he was unwillng to suggest what offices might be ispensed with in the absence of his nief. But the reforms I contemplated ere very different from those which ave been carried out by the First ord, and which, wherever I go, who's-er opinion I ask, whether naval or vilian, whether Liberal or Conser-tive, I find universally condemned ith a singular unanimity. I have fre-uently been asked who upon earth n have advised these changes; but it easy to see in them the master hand the Controller of the Navy, who, as predicted last year, has made him-lf absolute both at Whitehall and in e dockyards, in all that relates to his partment. Last year he persuaded e First Lord to remove from the Ad-ralty the wholesome check over the pur-ase and expenditure of stores which e wisdom of Sir James Graham had ovided—I mean the Storekeeper Ge-ral of the Navy; and the same prin-le has now been carried out in the ckyards. The office of storekeeper s been abolished, and the duties of e office merged in those of the master pwright, who is invested with exclu-e control. This, I believe, is at vari-ce with the universal practice in pri-te yards, where the constructor makes mands on, and gives receipts to an in-pendent storekeeper; and it is obvi-sly improper that the person who pends the stores should have charge them also. The whole system of kyard reform which has been adopted the Government is based on this nciple—the abolition of all indepen-nt offices, and the appointment to the charge of all the departments of subordinates, under the complete control of the master shipwright, and consequently of the Controller of the Navy. I am informed that the person doing the duty of storekeeper at one of our great naval establishments is a foreman of shipwrights, with a salary of £250 a year, who has provided no sureties or bondsmen, and has no responsibility for stores except to his master—the master shipwright. Now, a person in that position cannot exercise any independent authority, and this opens the door to very great abuses in the department of the master shipwright. I have conversed a good deal on the subject with persons who are well acquainted with such matters, some of whom have held the offices of captain and admiral superintendent, and they all concur in condemning the change which has been made. One instance of abuse which may ensue will serve as well as a hundred. Under the old system, when there was an independent storekeeper, demands was made on him by the master shipwright for all the articles which he required. It generally happens that larger quantities of all sorts of stores are issued than are actually used in the building or repair of the ship for which they are demanded. A margin must be left for breakages, misfits, and other contingencies. A quantity of surplus stores consequently remains on hand after the work is done, and formerly when the the surplus came to be returned into store, there was frequently a difference between the storekeeper and the master shipwright as to how it should be charged. Of course, it was the interest of the master shipwright that the storekeeper should debit himself with the full value of the articles so returned; but this the latter refused to do, if, in consequence, for instance, of having been made for a particular ship—such as plates of a particular shape or size—they might not be applicable to another ship, except at a loss. The storekeeper, therefore, debited himself in such cases only with the reduced value, and the difference was charged to the ship. But now that the master shipwright is his own storekeeper he can relieve the ship altogether of the charge on account of such articles, and will naturally return them into store at the full value; and the result often will be that after encumbering the storehouse for years, they will be ultimately condemned, and the loss charged to deterioration instead of to the ship. This is only a single illustration of inaccuracy of accounts and other evils which may result from the abolition of the office of an independent storekeeper. I do not see, indeed, how the smallest reliance is to be placed on the accuracy of the dockyard accounts without the independent check of a storekeeper. Let me take another case. It is a rule in the dockyards that the oldest stores, so long as they are serviceable, should be used first. But is it to be supposed that, under the new system, a master shipwright, engaged in building a pet ship, will observe this rule? It is only in conformity with human nature that he will put the very best articles into her, and great ultimate loss will be the consequence. One of the objections I have often heard urged against the new system of accounts in the dockyards was that so much of the master shipwright's time was engaged in clerical duties that very little was left to him for the supervision of work at the dockside. But now, in addition to being a master shipwright, you have made him storekeeper also; and not only that, but with an infatuation which appears to me to be unaccountable, you have made him chief engineer as well. The responsible, and, as I think, indispensable offices of storekeeper and chief engineer have been abolished, and the duties thrown on one officer, who, before they were added to his own special duties, had quite as much on his hands in a great dockyard as any one man, however able, could efficiently perform. The master shipwright is now storekeeper and chief engineer as well, and, like another Robinson Crusoe, is monarch of all he surveys. And what, as a general rule, does a master shipwright know about steam engines? Probably his knowledge of them will be merely superficial; and, moreover, his time will be too much occupied to admit of his attending personally to the factories, the consequence will be that the superintendence of those great establishments and of the repair of those magnificent engines which have cost the country tens of millions, which has hitherto been intrusted to gentlemen of first-rate ability, such as Mr. Andrew Murray and other chief engineers, will devolve on subordinates utterly unequal to so great a charge. It is physically impossible for one man in a large dockyard to perform the duties of master shipwright, storekeeper, and engineer, and the work must be done by inferior officers, to the great detriment of the public service. Again, by cutting down the establishments to starvation point no margin has been left for casualties, which are sure to occur, or for unusual pressure of work from political or other causes. It is the almost universal opinion in the yards that the whole system must break down and collapse on an emergency. If a man gets a sore throat, there is nobody to supply his place. Hon. Members may laugh, but at Chatham some time ago, the chief engineer caught a severe cold, and I was informed that during a period of five or six weeks there was no competent person to superintend the steam factory of that establishment. Even at Whitehall, what would happen if an epidemic should occur in London? The result might be that the work would come to a stand-still. And, I am sorry to say that I found a very bad feeling prevailing in the yards for reasons altogether apart from the reductions. The tone of the letters which are written from the Admiralty to the ports and dockyards is no longer characterized by that official decorum by which they used to be marked, and which ough to be observed by a great Department There is a general complaint, too, tha letters to the Admiralty are allowed t remain unanswered; but, that, I sai was not surprising, as there were n clerks left to answer them. A genera feeling of mistrust and apprehension pervades the whole service. No one know when his own turn for dismissal ma come, or when, no matter how high h rank, he may be insulted by a lette from Whitehall, reproving him for having faithfully performed his duty. It impossible to carry on the service wit any advantage under such a system; bu it is the natural result of the Adm ralty having delegated its powers to subordinate, or what ought to be a su ordinate, department. Another bran of dockyard policy I regard from eve point of view with extreme regret — and on this subject I expect the su port of some Gentlemen opposite — mean the further reduction, to the e tent of nearly 3,000, of shipwrigh nd other workmen. Last year the First ord of the Admiralty implied that I ad somewhat inconsiderately reduced e number of men, and stated that e would be guided by a more con- derate policy so long as he had any- ing to do with the Admiralty. Now, e number of men reduced by my Esti- ate of 1868-9 was only 2,046. The umber discharged during 1868 was, it true, upwards of 4,000, but that was ecause I had entered, with the consent the Treasury, a number of men in the utumn of 1867, to bring forward the eserves, who, of course, were not pro- ded for in the Estimates, and who new their employment was to cease at e end of the financial year. But the st thing my right hon. Friend did on ming into Office was to cap me by dis- arging some 1,500 men in addition to y discharges, which I thought a strange ode of showing his consideration—and I had continued in Office the greater umber of these men would have been tained in the service, as I had no in- ntion of any reduction beyond the all one which the disestablishment of ptford Yard would have necessitated. y discharges, moreover, were almost tirely confined to men hired for tem- rary service, as in 1868 I reduced the mber of men entitled to pensions by ly 215. But the reductions by the pre- t Board affect chiefly established men. e comparison stands thus — I reduced 46, of whom 215 were established; present Board has reduced 3,996, of om 2,269 were established. So I nk the First Lord has hardly a right taunt me with want of consideration. I have already said, I did not contem- te further reductions beyond those ich, for special reasons, I carried out 1868, and I think the further extent which they have been carried is rming. The First Lord has stated t in 1866, which was the last year of last Liberal Government, there were 618 men at work in the dockyards. number has now been reduced to 276 men. There has therefore been eduction of 7,342 men in the four rs. The worst of it is that we e not yet come to the end. The it of retrenchment is not yet satis- , but still goes on crying "more, e!" I think these reductions have ady been carried to an extent which ost injudicious. Moreover, I think them most ill-timed. Among those who are ignorant of naval affairs the building and maintaining a force of unarmoured ships is treated as an absurdity; but to neglect our unarmoured squadrons would be fatal to the best interests of the country and fatal to the Navy. I warn the First Lord that this question will before long force itself upon him. Our unarmoured Navy is not in a satisfactory state. Exclusive of line-of-battle ships which are considered obsolete, the number of serviceable unarmoured ships out of commission is small, and nearly the whole are in a very defective state. My right hon. Friend has given us what he appears to think a very satisfactory account of the state of the Navy and of the number of our ships; but he did not tell us what was their condition. When I was at the Admiralty the Controller's estimate for fitting and repairing the ten frigates in the best condition was nearly £400,000, or an average of £40,000 each. We had only six corvettes in ordinary, and the estimate for their repair was £120,000. There were ten sloops in ordinary, and their repair was estimated at £125,000. The total estimate for repairing the serviceable unarmoured ships, exclusive of line-of-battle ships, was £1,000,000. That only applies to ships in ordinary; but to repair the ships in commission on their being paid off would require a far larger sum. In my opinion it would have been much wiser if my right hon. Friend had retained the men who are to be discharged, for the purpose of providing for the greater efficiency of the unarmoured fleet. He is quite right in not repairing obsolete ships unfit for service; but he ought to have a good reserve of effective ships for an emergency. There is one class of ships in which we are very deficient — namely, unarmoured cruisers of great speed. We have a commerce extending all over the world. In the most remote seas we have a commerce gigantic in extent, and of almost inestimable value. It is of vital importance to this country that we should have the means of defending it. We know what injury a very few fast cruisers can inflict on commerce by what they did in the American Civil War — they can absolutely annihilate the whole commerce of a country unless it is provided with a sufficient number of vessels suitable for its protection. I do not think the provision made in these Estimates for that purpose is adequate. Moreover, we have now the means of building armour-clads in three of the dockyards, and I think the First Lord would have adopted not only a more considerate, but also a wiser and more statesmanlike policy if he had retained the services of the 2,800 workmen whose discharge is necessitated by these Estimates. In connection with this subject I must here disclaim, as I have already done in writing, all participation in the disestablishment of Woolwich Dockyard last year—a measure which we should have reason to deplore if the necessity should arise for employing a fleet in the Baltic or North Sea before the Chatham extension had become available for its repair. No one on the Dockyard Committee—certainly none of my Friends on this side of the House—had any idea of disestablishing Woolwich Dockyard until then. If Woolwich Yard had been kept open till the completion of the works at Chatham, the whole of the establishment might have been transferred there, and much of the distress among the workmen in the East of London would have been averted.

I now approach what is to me a very painful subject—I mean the wholesale suppression of offices and departments at Whitehall and Somerset House, as well as the discharge of meritorious public servants, which has been carried out with a disregard to private interests to which it would be difficult to find a parallel in the history of the Civil Service of this country. If it had been carried out by a statesman of matured experience, and after consultation with authorities capable of advising on such a subject, I should still have deplored the mistake; but my right hon. Friend—of whose abilities I would speak with unfeigned respect, but whose Admiralty experience had been limited to a few months' service in the lowest political appointment in the office—took upon himself, in the very first week of his appointment as First Lord, to pull down the edifice which had been built up by Sir James Graham, a statesman holding the highest place in public estimation as an administrator. But although he pulled down with the rapidity of magic, so crude were his notions that to this day he has not known how to build up again, and the consequence is that the departments are still, as I am informed, after fourteen months, in a provisional state, and in a state of apparently inextricable confusion. I remember reading in a Liberal journal, some time ago, that the economies effected in the office by the present First Lord were a reproach to me for not having initiated them. I would not have them on my conscience for any consideration ; but if they are a reproach to me, or to any Conservative First Lord, what must they be to those Liberal First Lords who have been ruling the Navy for more than thirty out of the last forty years? It was by Liberal statesmen that these departments were constituted ; first, by Sir James Graham, and afterwards, as respects the Coastguard Department which was the first victim, by Sir Charles Wood. Sir James Graham was, like the present First Lord a great destroyer, but he was also a grea artist, and he did not destroy the Nav Board and the Victualling Board unti he knew what to substitute in thei place. It was not until after fiftee months of consideration that he cam down to the House with his scheme o reform ; and in making his statement h said it was a task of peculiar delicacy t deal with the then existing establish ments. But the present First Lord, wit an impetuosity arguing more darin than prudence, at once commenced hi reforms (I think the Coastguard Offi was suppressed after he had been only few days at the Admiralty), and he ha established a system having no elastici or power of expansion. It is at presen I am told, at full tension, and if an emergency arises, if there is any extr ordinary pressure, the whole machin will be out of gear. My right ho Friend's principle is altogether oppos to that of Sir James Graham's, whi was to keep the shipbuilding departme completely subordinate to the Admiralt whereas what my right hon. Friend h done is practically to make the shipbui ing department master of the Adm ralty in all questions affecting shipbui ing. I defy the First Lord to hav under the present system, anything li effective control over it. My right ho Friend, indeed, assures us that the d partments so mutilated by him are wo ing admirably. He is quite right to so ; but I believe he is the only pers at the Admiralty who thinks so, unl

be his hon. and gallant Colleague sit-
ng near him. If you ask how the
achine is working, the word "chaos"
on every man's lips, and the hope is
pressed that, as the First Lord is a
ry clever man, he sees his way out
it, but it is usually added that
one else does. In effecting the
forms which have led to this result
uel injustice has been done. Gen-
emen of great intelligence, some of
hom have been in the service and
hom I have known for thirty years,
ho have conducted the business of
eir branches to the entire satis-
ction of every Lord and Secretary
til now, have been placed, in order
at the required economies may be
rried out, in charge of two depart-
ents without adequate assistance; and
en, if they have proved in any respect
equal to the burden, they have been
her compelled to retire, or else they
ve had such pressure put upon them
t, apparently, voluntary retirement
s become unavoidable. The right hon.
ntleman is a very Pharaoh to his
fortunate bondmen; he requires them
make bricks without straw, and the
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kes them go. True, those gentlemen
eive some advantage in respect of
sion on reduction of office—the only
und on which extra pension can be
en—but in the case of two who are
being forcibly retired there is no re-
tion of office, because, as I understand,
other gentlemen, certainly not more
petent, are to be appointed to succeed
m. The greater part of the reforms
he civil departments in London are
iously designed, like those in the
xyards, to make the Controller su-
ne in everything relating to the
riel of the Navy and the *personnel*
he dockyards; for the supremacy of
First Lord must, under the existing
ngement, as I said last year, be
ly nominal. There was a branch
Vhitehall called the Establishment
ch, to which all propositions respect-
he general expenditure and manage-
t of the yards used to be referred,
it was a great check on hasty and
nsiderate proposals. That branch
been abolished. The wisdom of Sir
es Graham constituted the office of
ekeeper General as a check on the
eyor, as the Controller was then
d, in the purchase and expenditure
of stores. That office has been abolished, and contrary to all principle the custody of stores and their expenditure is now vested in the same hands. There has been another reduction to which I must advert, and I fear in terms of some severity, for I think it one of the most unjustifiable acts ever perpetrated by any public Department. I refer to the forcible retirement of Mr. Murray, the Consulting Engineer of the Navy. I have known this gentleman since his first entry into the service nearly thirty years ago; he is an engineer of first-rate ability and of the highest standing in his profession, and has rendered services of the most valuable description. For many years Mr. Murray was at the head of the factory at Portsmouth. Last year he was moved up to Whitehall to succeed Mr. Lloyd on the retirement of that gentleman — not in his office, because that was suppressed, but in the performances of his duties, with an inferior title and at a reduced salary. I remember pointing out that last year as a most objectionable proceeding, because if you want first-rate ability you must pay a proportionate price for it. I thought the reduction of salary in that instance a pitiful economy and a great mistake. Perhaps hon. Gentlemen may not know what were the functions of consulting engineer, or Engineer in Chief as he used to be called. When engines are required for a new ship, the most eminent engineering firms throughout the country are invited to send in tenders and designs which are referred to the department of the Controller. Formerly it was the practice for the Controller to refer them to a professional officer in his department — namely, the Chief Engineer, who ranked with the Chief Constructor, and had the great responsibility — one which required not only eminent engineering knowledge, and ability, but thorough trustworthiness of character—of advising the Controller as to the tenders and designs he should recommend to the Board for acceptance. Such functions as these should obviously be placed in the ablest hands you can find. But now Mr. Murray is to be retired, and his duties, if discharged at all, will, I suppose, be assigned to the Chief Constructor, whose ability as a shipbuilder we all know, but who is not an engineer, and is, therefore, not competent to advise on

engineering questions. The result is, that the responsibility for an expenditure of some £300,000 a year for the purchase of engines will fall into incompetent or certainly less competent hands. I am one of those who are very glad to see from these Estimates that Mr. Reed has been rewarded for his valuable services; that his salary has been increased by £300, and that he has received a gratuity of £5,000. But when this has been done for Mr. Reed, and Mr. Murray has been dismissed, I cannot help thinking that Mr. Murray is just as much entitled to the favour of the Admiralty as Mr. Reed. You have rewarded Mr. Reed, and very properly so; but the way you reward your engineer, who stands quite as high in his own branch of the profession, is to dismiss him. I cannot conceive anything more unfortunate in the interests of the public service than this act; and I am amazed that the First Lord should have assented to so improper a proceeding. A few words now as to some of the Votes in these Estimates. As explained by my right hon. Friend, the first Vote shows a reduction of men, and I do not think there is anything very material there. I approve of the substitution of Marines for servants on board Her Majesty's ships. It was one of the schemes I had in view when in Office, and I should have carried it into effect had it not been for the strong opinion against it expressed by the First Naval Lord, and also by Sir Sydney Dacres, to whose objections I deferred on a point which was strictly professional. I was at first disposed to object to the reduction in the number of boys; but I am satisfied with the assurance of my right hon. Friend that the number to be voted is adequate to supply the waste of seamen. But I am sorry to see that there is a large reduction in the number of seamen not shown on the face of the Estimates. Last November the number borne was no fewer than 1,674 men below the number voted, and at that time the Coastguard was 559 men—total 2,233 men—under the Vote. In January last the deficiency of seamen was reduced to 902, but that of Coastguardmen rose to 710. I must say that I very much regret this progressive decrease in the Coastguard. When I left Office the force was only ten short of its proper complement; in
September it was 179; in October, 424
in November, 559; in December, 570
and last month it was 710 short.
the Coastguard goes on decreasing
this rate, and at the same time, as m
right hon. Friend assures us, increasin
in efficiency, it will soon be "great be
cause it is so small." This falling o
is, I presume, attributable to a certai
extent to the discharges of the olde
men; but there is another reason whic
I fear will lead to a permanent de
crease in the force—namely, that unde
the new regulations the best men,
I am informed, are unwilling to enter th
service. The reason is obvious. If a ma
be worth his salt, he is a petty officer afte
the eight years' service which qualifie
him for the Coastguard. But on enterin
the Coastguard as boatman he loses th
rating of petty officer, and does no
recover it until promoted to be chi
boatman after many years of servic
If discharged soon after obtainin
the rank of chief boatman — as H
generally will be under the new reg
lations—he loses the advantage of
petty officer's rating for pension, and
learn from good authority that the me
are in consequence very unwilling
enter the Coastguard, and that man
already in the force express great regr
at ever having left the regular Nav
There is also in the Coastguard the sar
feeling of mistrust and insecurity whi
under the reforming mania pervad
almost every other branch of the se
vice. I doubt whether much is gain
by eliminating the older men, becau
there must always be a certain nu
ber of men left on shore for reven
purposes, and the older and more e
perienced men would probably perfo
this duty more efficiently than young
hands. There is another alteration wh
I much regret—namely, the confusion
the Coastguard afloat with the seam
of the fleet. The Coastguard afl
should be looked upon as our first
serve, and should be held as a sacr
force, not to be touched during pe
under any circumstance. But, now
hereafter a reduction of seamen should
decided on, it will be subject to the sa
fluctuations as the other branches of
service, and the Admiralty may dimin
the number of men in the Coastgu
ships, and employ any portion of th
in manning the Channel Squadron,
ships on foreign stations, and nob

ill be a bit the wiser. I remember
iat Lord Halifax used to attach much
nportance to the maintenance of the
oastguard afloat as a distinct force,
nd I wish that the First Lord had con-
ılted his noble Relative before depart-
g from the old practice. The next
ote—that for the purchase of victuals
-my right hon. Friend proposed very
ıortly. He said there was a large re-
uction because the old-fashioned and
ad system of keeping a large stock of
ores had been abandoned, and they
ould now use up the stores they had
stock. But there are other reasons
r the reduced Vote for this year. In
e first place, the decrease due to the
duction of 2,000 men at 1*s*. a day would
£36,000; and there are other causes
fficient to account for the remainder.
the first place, there has been a saving
£25,000 or £30,000 in consequence of
e fall in the price of provisions. The
establishment of the Woolwich Divi-
on of Marines has released a quantity
barrack furniture and utensils avail-
le for distribution among the other
visions, and has necessarily dimin-
ed the demand for the purchase of
ch articles during the year. A very
nsiderable saving must thus have been
ected. A considerable quantity of
men's clothing must also be on hand,
consequence of the number of seamen
rne having been so much less than
number voted during the greater
rt of the year. Again, the hand-to-
uth system has been adopted with
thing as with stores, and I think
y injudiciously. A sufficient stock
uld always be on hand in case of an
ergency or the defalcation of a con-
ctor. But of course the items of
ing to which I have referred afford
y a temporary relief to the Vote,
it will be necessary to provide for
issues for the year in future Estimates.
must here remark that I strongly
ect to the suppression of the office
Controller of Victualling, and the
stitution—as usual anything to save
ew pounds—of a subordinate officer
his place. Such a department as the
tualling of the fleet—one on which
health, comfort, and contentment of
men so much depends—ought to be
ler an officer of position taking a pride
supplying the best articles to the fleet,
ing under a sense of special responsi-
ty, and with his credit at stake; and not to be transferred to the Purchase Branch, which has no special knowledge of, and very little interest in, the subject. I should certainly object in the strongest manner to be fed by the Purchase Department unless it showed greater discrimination in the purchase of food than in that of stores. I heard some sinister rumours of the intention of the First Lord to tamper with the victualling of the Navy, and with the seamen's savings, but I am glad to find that the scheme has not been carried out. In that department any attempt at undue economy might lead to something worse than discontent in the Navy. I have already stated my disapproval of the reductions in the Admiralty Office under Vote 3. With regard to Vote 4, there is a saving, which is due principally to the suppression of the civil branch of the Coastguard on shore. There was, I believe, an intention of making some reforms, as I think in a wrong direction, in the Royal Naval Reserve. But I hear they are objected to by the Board of Trade, and, if so, we are under great obligations to that Department. As to the proposed Pensioner Reserve, it promises to be a valuable force, but I doubt whether it will be a very numerous one. Still, it is a move in the right direction. I have already expressed how strongly I object to the large reduction of workmen under Vote 6, where there is a decrease of £207,000, as well as to the rearrangement of the establishments; so I need not again advert to that subject. With respect to Vote 10, for Naval Stores, £22,000 being a transfer from Vote 2, the real saving is £47,000, and I confess my impression is that sufficient provision has not been made for the service of the year. In reference to item E, which includes paint materials, I should like to ask the First Lord whether it is true that, although the paint manufactured at Chatham proved on chemical analysis to be much purer than could be obtained from the private trade, and though its cost was considerably less, the paint mills at Chatham have been closed, and that the paint for the fleet has been obtained through the Purchase Department; and, if so, why so strange a decision was arrived at? As this is a Vote for the purchase of shipbuilding materials it may be the proper place to make one or two remarks on the programme

for the year, which comprises the whole of the work to be done on new ships, since nothing is this year to be given to contractors. I hope that circumstance may reconcile the dockyard artificers to a reduction of a fifth of their number. First, as regards the new turret-ship, the *Thunderer*, of the mastless type, I consider the building of this ship objectionable. It is more objectionable than the proposal of last year, because it is building a third vessel of an utterly untried class, and it is open to the same objection which I urged last year—namely, that so little progress is to be made with her that it is little more than a matter of form to put her into the programme. It is proposed to spend only £17,000 on her during the year. She is therefore little more than a ship on paper, as the total expenditure on her is to be little less than £300,000. Now, in my opinion, naval invention in the present day is so great and so rapid that we ought never to commit ourselves to a design, and lay down a ship until we are prepared to begin the work in earnest, and finish her off-hand. To call these sea-going vessels is an insult to common sense, and I should very much have preferred that a real sea-going turret-ship, with sail power, should have been built instead. I also object to building another *Inconstant*. I have had letters from officers of the Channel Squadron informing me that she is crank, that she rolls and lurches in excess, and does not command the speed which was expected. In that respect I learn she has proved but little superior to the old *Warrior*. On the whole, the accounts I have received of her performance would make me doubt the expediency of building another vessel on exactly the same lines. In 1867 the First Lord approved of my policy in having substituted a smaller vessel—the *Volage*—for a second *Inconstant;* and I remember the objection he urged—namely, that in a ship like the *Inconstant* too many eggs were put into one basket. I was therefore surprised when I saw that another *Inconstant* formed part of his programme. With respect to the sister to the *Druid*, as the *Druid* is one of my ships I cannot object to her; but after the great speed shown by another of my ships, the *Volage*, which is a vessel of much greater power, I should have preferred another vessel of that class. The *Staunch* is also one of my vessels, and I am glad that four more are to be built, as they are well adapted to harbour and coast defence, and are cheap vessels. I am also glad to see that Her Majesty's yacht the *Osborne* is about to be launched and completed for sea before the summer, because it is only becoming that Her Majesty should have more than one sea-going yacht at her disposal, more especially when the number of the Royal family to be accommodated is considered. But my objections to the programme are, at least, as much on account of what it does not do, as of what it does. Considering that it provides for only one new armoured ship, I hold that the opportunity should have been taken to build a greate number of fast and heavily armed vessels—a class in which the Navy is very deficient—for the protection of our commerce Considering its extent, and the numerous seas which it covers, we should b badly off in this respect in the even of war, and as our dockyards are teeming with seasoned timber, which ca be sold only at a great loss, and consequently the ships could have bee built at comparatively little expense t the public, the men who are to be dismissed ought to have been retaine for this service. In Vote 11, I am gla to see that adequate provision is mad for the extensions at Portsmouth an Chatham Yards, and I trust the grea dock at Malta will shortly be availabl for the repair of the largest of Her Majesty's ships. Under Vote 16 there a considerable increase, chiefly owing t increased pensions being provided fo engineers and chief warrant officers. rejoice that consideration has thus bee shown for these meritorious classes officers. As to the scheme of retiremen my impression is, on the whole, a f vourable one. In some of its details, appears to me to be objectionable, b I reserve, for the present, the expre sion of any positive opinion respecti it. I think a comprehensive schem very desirable, and, as I stated la year, I was anxious to propose one. communicated on the subject with t late Chancellor of the Exchequer, b it was unfortunately in the autumn 1868, when the state of the reven was so unfavourable that he could n sanction any expenditure for the pu pose, and I was obliged to abandon t

ea. And now I must add a few words
the subject of the famous Admiralty
uise. It is one I would willingly
oid; but I think it due to the Navy
at I should express my decided opi-
on that the assumption of the com-
and of a fleet at sea by the Board is
ost objectionable, and the precedent
dangerous one. My right hon. Friend
s given two reasons for hoisting the
dmiralty flag on that occasion. One
them was a bad reason, and the other
mischievous one. The reason that he
shed to have some personal observa-
n of the performance of the iron-
ds is a bad reason, because he could
ve had it by embarking in the fleet
thout hoisting his flag—and the rea-
n that he wished to "obviate the diffi-
lty with reference to the question of
ecedence between the two vice ad-
rals" is mischievous, because it is the
ognition by a First Lord of the Ad-
ralty of a principle utterly at variance
h the regulations and with im-
morial practice of the service, and
ich, if acted on, could lead to nothing
disaster. If two officers meet on
vice, even although both were pro-
ted to their rank on the very same
, the officer whose name stands the
est on the list is as much bound to
der a ready obedience to his senior
f he were a midshipman, and a de-
ture from this rule could, as I have
, only result in disaster. Sir Alex-
er Milne and Sir Thomas Symonds
e both vice admirals; but is my
t hon. Friend aware that at Tra-
ar Nelson and Collingwood were
vice admirals also, and what
ld Nelson have said if the latter
raised the question of precedence?
re was a great flourish of trumpets
he newspapers when the First Lord
arked, and it was said that it was
first time that a First Lord had ever
n the command of a fleet. That is
, and I hope it will be the last time.
it is not true that it was the first
a First Lord had embarked for the
ose of witnessing the performance
fleet. I remember myself being at
smouth when the Duke of Somerset
in with the Channel Fleet; the
e had, I believe, been several weeks
board, and yet the Admiralty flag
not been hoisted. I myself, while
d the office of First Lord, embarked
he *Minotaur*—the flag-ship of the Channel squadron—and I had the good fortune to witness the performance of the armour-clads off the South-west coast of Ireland in what I was told was the heaviest sea they had ever been tried in. The Admiralty flag was flying on board the *Enchantress* at Devonport; but the moment I put my foot over her side it was hauled down, and I embarked as the guest of my gallant and lamented Friend Admiral Warden. It would have been much more reasonable for me and my colleague (Sir Alexander Milne) to have hoisted our flag on that occasion than for my right hon. Friend, for it happened that Sir Alexander Milne, who accompanied me, was not only senior to, but higher in rank than, Admiral Warden. Therefore, there would have been less impropriety in our hoisting the Admiralty flag than on the occasion of the cruise of my right hon. Friend, when Sir Sydney Dacres was junior to Sir Alexander Milne the Commander-in-Chief of the Mediterranean Squadron. But my impression is that it is hardly constitutional for the First Lord of the Admiralty to hoist his flag and give orders on such occasions, and for this reason, that the Board of Admiralty is the representative of the Lord High Admiral, and therefore indivisible. It is true that the Admiralty flag is hoisted on the visitation to the dockyards; but the very first act of the Board, on arriving at the ports, is to request the admiral, or other senior officer to carry on the duties as usual, and all Minutes are sent up to be executed at Whitehall, from which the orders emanate. But on this occasion there were two Boards sitting, one at Whitehall and another at Lisbon or Gibraltar, and both giving orders simultaneously. Moreover, I think there is great danger to discipline in the supersession by the Admiralty of the officer properly in command of a fleet. The admiral commanding may differ from the Board on some material point, and if you supersede his authority, and compel him to do what he objects to, you lower him in the estimation of his officers and men. There was the greater danger to discipline in this case, because there was on board the First Lord's ship a gentleman who, writing under the shadow of the Admiralty flag, dealt praise and blame all round, which afterwards appeared in the columns of a leading journal—finding fault, on

one occasion, with the admiral, who was perfectly right, while the correspondent was perfectly wrong. Again, supposing some accident had occurred, and that one or more of the vessels had been lost, who would have been responsible? Clearly neither of the admirals; for the command had been taken out of their hands, and, as some one must be tried under the Articles of War, it must clearly have been the Lord High Admiral, as represented by the Board. But Sir Sydney Dacres would naturally have said to the First Lord—"I will have nothing to say to it. Under your Order in Council of last year I am no longer your equal, even in theory. I am only your assistant, and am to receive my instructions from you." And the painful consequence might have been that the First Lord would have been tried by court martial, and, perhaps, sentenced to be dismissed Her Majesty's service, or, if the Court was in a lenient humour, to be placed at the bottom of the list, in which case he would have had to begin over again as Civil Lord. Seriously, I trust we shall have no more of the First Lord's hoisting his flag at sea, and if my right hon. Friend thinks of again going to sea to witness the performance of the ships of the new types, I hope it will be in one of his turret-ships, in which, as they are to have no masts, he will be unable either to make a signal or hoist his flag. I have heard this Admiralty cruise treated as if it were the first time our squadrons had been practised in steam evolutions, and it was stated that great good had resulted from it. Why, of late there has not been a year in which they have not been practised, as a matter of course, in steam evolutions; and I think the consequence of the cruise was to waste the greater part of the summer, for steam evolutions were only performed three days during the five weeks that elapsed from the time the First Lord left Devonport till he returned to Queenstown. And in connection with this subject there is one thing which has caused me extreme disappointment, and in respect of which I think the Admiralty is open to much reprehension. I regret that more has not been done this year to test the turret principle. I have been most unjustly represented as an enemy of the turret principle as applied to sea-going ships. Now, so far

from that, before I was appointed Fir
Lord I urged the trial of the princip
on every occasion, and when I was at th
Admiralty I endeavoured to expedite
in every way by pressing the contracto
to hasten the completion of the *Capta*
by every means at my disposal; but co
sidering that the *Captain* and the *Monar*
were so nearly completed, I thought
more prudent to defer building anoth
sea-going turret-ship until after they ha
been tried, and in this opinion I was su
ported, as I showed last year, by
great majority of the first officers in th
Navy. These trials, I never doubte
would take place during the autumn; b
here we are in the year 1870, and abs
lutely know no more of the fitness of th
turret principle as applicable to se
going ships than we did when the que
tion was debated five years ago. Nobo
ever doubted that the *Monarch* would
a safe and comfortable ship at sea. S
is a vessel of high freeboard, as it
called, and the advocates of the re
turret principle, the essence of which
low freeboard, have stated that th
consider her a burlesque of a turr
ship. But even in the case of t
Monarch there were important qu
tions to be solved—most important
relation to the construction of turr
ships which are now being built;
on these questions no light has be
thrown by the meagre experiments
which she has been subjected. S
ought to have been subjected to ev
possible trial in the worst weather, a
under the eye of the admiral comma
ing the Channel Fleet, instead of o
on a summer cruise with the Admira
and, therefore, she is the very last s
that ought to have been set apart
convey the remains of the great Am
rican philanthropist across the Atlan
when the selection of another ve
would have implied quite as much
spect to his memory and nation.
most important experiment to be tr
in her is whether her guns could be fi
at the extreme ranges with safety to
upper deck fittings. The rigging
so fitted that it can be let go and
lowed to fall inboard so as to be ou
the line of extreme fire forward and
but this has never been done. All
has been done is to fire to the angl
the rigging, which is a long way f
the extreme range, and, even th
various defects showed themselves, s

s the jumping up of the gratings, which ell on the lower deck among the cook's oppers. But nothing has been done to est whether the upper deck fittings, uch as the casings to the funnels, and he supports to the hurricane deck, are trong enough to stand the effect of exlosion at the extreme angle of firing, nd if these were blown away there ight be danger to the ship herself in heavy sea. In consequence of these xperiments not having been tried, I ound them at Chatham, a short time go, guessing in the dark what ought o be the strength of such fittings in e *Glatton*, now being built there, and y object for pausing to build more rret-ships has been so far frustrated my deep regret. But if I regret the nsufficiency of the experiments in the ase of the *Monarch*, much more do I egret the absence of all experiment ith the *Captain*. She is the type of e low freeboard turret-ship, and therere the vessel which is really to test the pplicability of that principle to cruisg men-of-war. Nothing short of imossibility ought to have prevented the dmiralty from testing her sea-going ualities last year; and if I had been the Admiralty nothing would have revented me from so testing them. I ow that a difficulty arose, and delay ccurred in respect of her gun-carriages, d therefore that her power of fighting er guns in a seaway could not have een practically ascertained. But it ight have been ascertained whether e could keep her turret-ports open in d weather, and all her other qualities uld have been perfectly tested with the annel Fleet if she had been sent to a with her turrets properly weighted; d I understand that this could have en done without difficulty, but that e Admiralty would not agree to it, hough it was strongly urged by Capin Coles. I think this was, to say e least of it, a grievous error in judgent, and the consequence has been at another year has gone by and noing has been done to show that we n safely and boldly embark in the ilding of sea-going turret-ships. Bere I sit down I must beg the Commite not to imagine that I have criticized e policy of these Estimates either in e spirit of party or of personal hosity to my right hon. Friend the First rd of the Admiralty. So far from the latter, I wish to acknowledge, in the most public manner, that I have every reason to be grateful to him, for, although he was under no such obligation from the practice of the Department, he generously accepted many of my engagements when I left Office; and, in one instance in which my feelings were much interested, he made an exception in my favour which it would be impossible for me to forget. Neither is it in any party spirit that I criticize the policy of the present Board of Admiralty. It is, indeed, no party question, for the policy of my right hon. Friend, as he himself must know, is as generally condemned by naval officers, and by civilians conversant with naval affairs, of Liberal politics as by those of my own way of thinking. Many of these are distinguished men, and some of them have been members of Liberal Boards of Admiralty, who do not conceal their disapproval of many of the changes which have been brought about. It would have been far more agreeable to me if I could have approved, or expressed less disapproval of those changes; but as I know the service looks to me, in some sort, as an advocate of its interests in this House, I feel I should have been false to it if I had refrained from expressing my convictions in the most frank and unreserved manner.

MR. SAMUDA said, he had no intention of entering into any details connected with the statement of his right hon. Friend the First Lord of the Admiralty, but he desired to refer, in a general manner, to one or two particulars. The first was that of the saving, which amounted in this year's Estimates to nearly £800,000. He did not think that that saving was deserving of unmixed commendation; £300,000 would be saved on Votes 1 and 2, £200,000 on the Government yards, and £300,000 on steam machinery and building ships by contract. The saving under the first two heads arose manifestly, as had been explained by his right hon. Friend, from the reduction of men employed; but the third, to which he desired especially to draw the attention of the Committee, was derived solely from the cessation of shipbuilding by private contract. He had thought that his right hon. Friend would have given the Committee some explanation of the reason why, in the face of his proposed economy, the number of men employed in builing vessels in our dockyards had increased, while the expenditure in which the public—the taxpayers—participated had not only decreased, but was absolutely put an end to. The right hon. Gentleman opposite (Mr. Corry) showed the importance which he attached to external aid by giving contracts liberally; but his right hon. Friend the present First Lord since he came into Office had not given one sixpence in private contracts either this year or last year. He did not claim it as a favour, but as a right, that private builders, who had made a vast outlay of capital upon their establishments, and whose aid in time of war would be indispensable to the maintenance of the power of this country, should receive in time of peace, and, above all, in a time of commercial depression, a fair share of the work that was paid for by the country. He himself (Mr. Samuda) had no personal interest in the matter. It had been proved to demonstration that vessels could be built in private yards fully equal in quality, and at from 30 to 40 per cent less cost than in the Government yards. But his right hon. Friend, in the teeth of this fact, increased the building power of the Admiralty, adding 500 men to that branch of the establishment. And, notwithstanding all that had been said about the economies of the Admiralty, he was actually taking £726,000 for building 15,000 tons of ships in the dockyards this year, against £660,000 devoted last year to the building of 13,000 tons. In common justice to the ratepayers that was not a state of things with which independent Members ought to be content. His right hon. Friend had certainly accomplished this result—he had completely extinguished and struck out of existence the contracts which formerly went to the private builders; but he (Mr. Samuda) denied that this could be called a successful economy. At the same moment of commercial distress, which was chosen for this proceeding, his right hon. Friend also dismantled two dockyards within a short distance of the metropolis. Of the policy of this latter proceeding, he entertained grave doubts; and he believed that anyone taking a large and statesmanlike view of the question would have shrunk, at a time like the present, from the consequences attendant upon a saving so effected. He considered the closing of Woolwich as a great political error. Woolwich formed the natural defence t the metropolis, and it could have alway been used in that respect without addin a single soldier to its garrison. Furthermore, it was well known that Woolwic formed one of the most valuable dockyards that could be imagined for fittin out fleets during any great emergency such as that of the Crimean War; and for this reason, it ought to have bee retained. He objected also to the grea increase of money allotted to the erectio of steam machinery in the Royal yards In 1862, the introduction of steam machinery for building armour-plated ship was first sanctioned as an experiment a Chatham. The plea advanced then wa that it was necessary to have the mean of checking private establishments. I 1865, it was promised that there woul be no increase in the expenditure fo dockyard machinery. And yet this item had been growing year by year, especiall at Chatham, and now the object evidently was to get the whole of this department under Government control. I the present Estimates, there was not single one of the dockyards which di not exhibit an item of increase unde this head. In the aggregate, no les than £25,200 was to be spent. Fo what? Why, to take work out of th hands of private manufacturers. Th Government, no doubt, were sincere i their professions of economy, but if the had consulted men practically acquainte with the subject, or had even weighe the evidence given before the different Committees, they never could s thoroughly have subordinated the interests of the country to the Admiralt views. His right hon. Friend promise them some improvement for the futur int his respect; he said he intende to build from 19,000 to 20,000 tons o shipping annually; and of this he proposed to give 4,000 tons to contractors keeping 16,000 tons in his own hand That surely was not dealing equitabl with the private firms. He did not wis to urge on the Admiralty the building o a single ship which they did not conside indispensable. He had always insiste that they should accept the turret syste and not increase the broadsides; and h deeply regretted that he had not receive that support upon this subject fro the right hon. Gentleman opposite (M Corry) which he had expected. Nevertheless, he was glad to find that la year, in reference to this matter, a chang ad come over the spirit of the Admi- alty dream, and considerable advance vas made in turret vessels. He did not vish to discourage his right hon. Friend rom proceeding in that course, but there vas a great deal in the observation of he right hon. Gentleman opposite (Mr. orry), that as two vessels were at this noment in a very incomplete state, it was ardly wise to propose that a third hould be commenced, when the inten- ion was to spend no more than £17,000 efore the House was called on to vote he Estimates of next year. His right on. Friend would have his perfect con- urrence if he proposed to complete the ird turret ship; but when he proposed do little more than lay down the keel nd to do some other insignificant work, e could not help thinking they would e much better employed in completing, ith all energy, those already com- enced, so that their progress might pply useful lessons in the construction the *Fury*. He thanked his right hon. riend for the great economy he had rried out in his Department, and only ped that the Estimates would be nended, so as to give the country the nefit, and to remedy the manifest in- stice of not giving more encourage- nt to the contract system.

MR. CANDLISH said, he could not e the consistency of his hon. Friend r. Samuda) in hoping that the Ad- ralty would continue their course of onomical administration while, at the me time, he reproved them for not ilding more ships. He (Mr. Candlish) uld suggest whether, now that the ple of shipbuilding was iron, that it uld be possible to reduce the proposed erage construction below 20,000 tons ear, seeing that an iron ship would fer very little deterioration in fifty or ty years. He thanked his right hon. end for the material reductions he l effected in the administration of his at Department. During the time he l been in office he had reduced the enditure of the Department by no s a sum than £2,000,000. The right . Gentleman opposite (Mr. Corry) ld take away the credit of that re- tion by the reduction of the prices articles purchased for the use of the kyards as the chief cause, but he not tell them what prices had been uced. The right hon. Gentleman had n to Portsmouth, where he had met w of the discontented spirits, who, seeing that he was in lack of materials for a speech, took care to supply him with some of the statements he had made to-night. The right hon. Gentleman had referred to what he had been pleased to call the unwise coal purchases of the Government, and should have been aware of the highly satisfactory results obtained by the mixture of North Country with Welsh coal. One thing was clear, that his right hon. Friend understood his business, and the country was under great obligations to him for the extreme pains and the incessant labour he must have given to the preparation of these Estimates. He thought that, in the changes proposed, we had an illustration of the advantage of introducing business men into the various departments, and that it was not necessary to have a naval man to administer naval affairs, was proved by the able administration of First Lord of the Admirality. What was wanted was business men at the head both of the Army and Navy. But there were one or two matters in his right hon. Friend's statement on which he felt some doubt; and first, with regard to the funds of Greenwich Hospital being available to increase the pensions given to commissioned officers. Now, he contended that Greenwich Hospital was founded for a very different purpose. They ought not to divert the funds of the Hospital to such a purpose, to the exclusion of men who had themselves contributed to their creation. He thanked his right hon. Friend for reducing the number of active officers, but wished he had given more prompt effect to his own proposal by delaying for a year or two the appointment of any cadets at all. The right hon. Gentleman opposite complained of the wearing out of ships by sending them to sea; but the fact was that the way to preserve ships was to send them to sea, and not to let them lie and rot in harbour. He approved the conduct of the first Lord of the Admiralty in not keeping large quantities of stores, for every one in business knew that a large reserve of stores was an expensive mode of carrying on trade. On the whole, he thought the country was deeply indebted to the present Board of Admiralty for their admirable departmental administration of the past two years, which, while it reduced the expenditure by £2,000,000, preserved intact the efficiency of the naval force of this country.

Colonel GILPIN said, that he had listened with attention to the speech of the First Lord of the Admiralty, but there was in it an omission he greatly regretted—namely, the omission of all allusion to that period when he commanded the British Fleet. The right hon. Gentleman said, the other evening, he found himself in that position to obviate some difficulty in reference to command. He (Colonel Gilpin) had given him credit for an anxiety to obtain practical information in regard to the profession over which he presided. Of late years enormous sums had been spent on the Navy in its transition state, and it would have been satisfactory if the right hon. Gentleman the First Lord had pointed out some of the merits or demerits of certain vessels from his own knowledge and experience. But he Colonel Gilpin) had risen to draw attention to another point. Some time ago the hon. Member for Montrose (Mr. Baxter) brought a general charge of corruption against the clerks and *employés* at the Admiralty and Somerset House, observing that great irregularities, not say corruption had prevailed, that a system of "tipping" went on at Somerset House and the Dockyards, and that money had been given to obtain contracts. He trusted that the hon. Gentleman, having made this strong statement and reflected on persons as honourable as any one in that House, would state whether he had since made any discoveries of the description referred to; and, if not, that he would admit that the information on which he based his statement was to a considerable degree exaggerated. With regard to the present plan of managing contracts, he had heard a rumour that the hon. Member for Montrose undertook to make contracts on his own responsibility and without assistance. He was not inclined to attach much credit to the rumour, for he could not suppose that any Gentleman would have such a notion of his own infallibility in matters of that kind, but be should be glad to hear from the hon. Gentleman a denial of the statement.

Mr. BAXTER said, that, with the permission of the House, he would reply to the direct appeals that had been made to him by the hon. and gallant Gentleman opposite (Colonel Gilpin), and also by the right hon. Gentleman the Member for Tyrone (Mr. Corry). He could give to the rumour to which the hon. and gallant Gentleman had alluded the most unqualified contradiction, for he had in the Department the assistance of the chief superintendent of contracts and the principal clerks. There was a large Purchase Department, which made contracts in the light of day; but, no doubt, there had existed previously, in certain quarters, combinations that prevented the Government from buying their goods at the cheapest price; and in those cases brokers had been employed, greatly to the public advantage. With respect to the statement he made last year, he had not one word to alter or retract; and he was sorry to say that an inspection of the books of the offenders now in gaol bore out his statement. But there was more recent evidence Not more than three weeks ago, he went to Deptford, and there one of the stor inspectors confessed to him, in the mos open manner, that he had been to London a short time before, for the purpos of asking for a *douceur*, as he called it from a contractor, and expressed grea surprise at not having received it. A week ago he paid a visit to the victualling yard at Gosport, and the master butcher admitted that for a series o years he had been taking bribes fo passing meat which was bad in qualit or insufficient in quantity. This system of what was called "tipping" existed as was well-known, not only at the Admiralty, but also in great companies an railway departments, and even in th houses of hon. Members; but it was system which the present Board of Ad miralty were determined to put an en to, by visiting the offenders, whenev they met with an instance, with condig punishment. It had been imputed him by the right hon. Member for T rone, that, on one occasion last year, had attributed the saving of £950,0 in the Navy Estimates, to the import tion of the commercial element into t Admiralty. Now, he had never sa anything of the sort. The simple fa was that, being called upon to retu thanks for the Navy, he had observ that the reason why he, an obscu Scotch merchant, found himself in th position was that his right hon. Frie the First Lord of the Admiralty had lieved that some benefit to the pub service might accrue from the services a man of commercial experience. T was very different from the represen tion of the right hon. Gentleman.

(Mr. Baxter) did not stand there to defend the Acts of Liberal Governments that had existed in times past, but he was quite prepared to defend his right hon. Friend at the head of the Admiralty for the great and beneficial changes he had introduced. The right hon. Gentleman the Member for Tyrone, together with some of his Friends, finding that they could get no information in London on the policy of the Government, had been going through the dockyards, and they said that they found a very bad feeling existing there. He quite admitted it. The other day, when he went down to one of the dockyards, he was received with bare civility. The simple reason was, the Government was pursuing a policy of economy, was reducing establishments, and was getting rid of a class of gentlemen who did little or nothing. The Board were unpopular, and he gloried in the unpopularity. The right hon. Gentleman, who appeared to have questioned everyone, from an admiral to a labourer, referred to the spars of the *Minotaur*. The Chief Constructor informed him (Mr. Baxter) that her spars were prepared in the very yard referred to. To the statement that a different system was adopted with regard to stores, and that at the end of the quarter they were uniformly exhausted, he must give an unqualified contradiction. The stores were as large as they had ever been, and in many respects they were far too large. He denied that officers had been reprimanded for doing their duty, but admitted that they had been reprimanded for exceeding their duty. One of the first changes he introduced was to take away from Government officers the sole power of rejecting goods of any kind, and to give to contractors the power of appealing to the Secretary of the Admiralty, who, if he thought fit, might appoint an arbitrator. This system had worked admirably; in many instances officers had been found to be right, in others they had been found to be wrong; and he was sorry to say that in certain instances to which allusion had been made, the officers were very far wrong indeed. With respect to paper, would the Committee believe the Purchase Department had never made a contract for paper at £1? The last contract for paper was made in May, 1868, by the particular friend of the right hon. Gentleman opposite, the late Storekeeper General. The other yards having received the paper without complaint, Portsmouth, always complaining, complained in August, 1869, that the paper was not equal to pattern in point of weight; but when Portsmouth was asked how the paper had been tested, the reply was that one sheet had been weighed by troy weight, and the weight multiplied by the number of sheets. In order to test the paper he ordered some packages to be sent to the Stationery Office, and the report was that it was considerably above sample-weight. It was next complained that the paper would not bear the weight of pitch, and this was found to be true; but then it was bought under the contract with Mr. Dundas. However, it had been found defective, and therefore the contract had been set aside; and the new supply was ordered from the Stationery Office, though not a single ream had as yet been delivered. So, if the right hon. Gentleman was still dissatisfied, he must apply to his friend the late Storekeeper General. The right hon. Gentleman had based charges on the very things which the Government considered the greatest improvements. As to leather, he (Mr. Baxter) had not been a month at the Admiralty before he thought that leather was to be the plague of his life. He received many anonymous letters about it. When he went down to the yards, he found that every man he met there said to him—"Whatever you do, for goodness sake don't meddle with the leather; it is excellent." It struck him that the glowing descriptions he got of the leather were considerably exaggerated, and a gentleman who assisted him recommended that recourse should be had to a merchant in one of the midland counties, a capital judge of leather, and free from political partizanship. It was thought that the best plan would be to get this merchant to go to the yards quietly and report upon the leather; but he found great difficulty in gaining admission, although he was provided with a letter from the Secretary to the Admiralty. When he did gain admission he reported that the leather was exceedingly bad. The contract was at once terminated, and leather was obtained in London from one of the first houses in the trade, until tenders could be received. The price, he admitted, was rather high; but they had to get the leather under difficulties. That leather was complained of at Portsmouth;

but when it was subsequently examined in London, it was found that it stood four times the dockyard pressure test. The right hon. Gentleman spoke of some leather made by a firm at Dundee. His statement upon that subject only showed how shockingly he was misinformed. The right hon. Gentleman had got matters all muddled, for this hose was made by one of the first houses in London. The revised contract no doubt was subsequently taken by a Dundee house, the second largest in the country, its tender being the lowest; and all the dockyards reported that the leather was as good as they ever received. Hemp had been obtained from a firm which had supplied it many times before. It was invariably purchased of excellent quality and on the best terms, and no change had been made. With regard to the officer who rejected smithery coal being obliged to receive the cargo, the reason given for rejecting it was that it was too small; but as coal could not be too small for smithery purposes his (Mr. Baxter's) suspicions were aroused, and he discovered that it had been the practice in the dockyards for some time past for the officers to obtain their supplies of house coal from the smithery store. He put the question point blank to an officer one day, and the officer acknowledged the practice, saying it was not a proper one, and ought to be put an end to; and, with the sanction of his right hon, Friend, he (Mr. Baxter) had put an end to a practice which was really most discreditable; although it was proper the officers should be allowed to purchase their coals at a cheap rate. The right hon. Gentleman had made a strong attack on them for using a mixture of Welsh and North Country coal. Now, as that was a matter involving a large sum of public money, his right hon. Friend the First Lord had set himself to master the question with unexampled diligence. He (Mr. Baxter) had assisted him to the best of his ability in respect to it, and they were assured, without one dissentient voice, except from interested parties, that it was the best and most economical plan to use a mixture of these two kinds of coal. Gentlemen from South Wales, though they would naturally take the side of their constituents in the matter, told him privately that in doing that the Admiralty were adopting the right course, and advised them to persevere. An admiral of the Navy, living in South Wales, not only assured him that the Admiralty were right, but stated that when he was on the coast of Africa the loss from the use of Welsh coal without mixture was no less than 50 per cent. The right hon. Gentleman said the admixture was complained of because it created a great deal of smoke; but that very day he (Mr. Baxter) had read the reports on the subject from all Her Majesty's ships that used this mixture; and although in six or eight instances the expressions occurred "a little light smoke," "not quite so smokeless as the purely Welsh coal," they all, without a single exception, bore testimony in favour of the admixture. His right hon. Friend had told the Committee that they had saved rather more than £18,000 by a mere alteration in the mode of buying coal, and, for himself, he believed that if they thoroughly adopted the mixture at all stations, and took care that there was no extravagance in purchasing for distant stations, £50,000, if not £70,000, a year might be saved. They had two coal depôts in China and two in Japan, and as this was the proper time of the year for shipping coals to China, he had taken the liberty of anticipating the vote of the House by spending a portion of the sum now asked for in the purchase of this mixture. The result was a saving of £3,600 on their purchases of last year, but a saving of £7,800 on the expenditure of their predecessors. The right hon. Gentleman opposite had entered at great length into the changes in the management of the dockyards. He (Mr. Baxter) could only say that he had been over all the yards, inspected all the stores, and, as his right hon. Friend said, had routed out a great many things that not seen the light of day for years before. One thing that had struck him particularly was, how amazingly the dockyards were over-manned, having a crowd of accountants, cashiers, storekeepers, master shipwrights, and admiral superintendents. As a man of business, it was impossible for him not to see that all that might be much simplified with benefit to the public. As to responsibility, the consequence of having so many of those officers was that nobody was responsible at all. However, under the system now introduced they would have great economy and increased efficiency in the dockyards. The right hon.

Gentleman opposite had referred to a reduction in Vote 2—in the provisions and clothing for the Navy. He would tell him how that occurred. Just a week before the Estimates were published they discovered enormous stores in Deptford that nobody seemed to have known about. His right hon. Friend had already made a reduction of that Vote to the extent of £70,000, in consequence of the largeness of their stocks; and on Saturday afternoon, when the Estimates were about to be put in print, he had taken upon himself to recommend his right hon. Friend still further to reduce the Vote by £47,000. At Deptford he found that there was a stock of essence of beef to last for seven years and a half, which had been bought at 1*s.* a pound, though they could now buy it at 3*d.* or 4*d.*; also four years' stock of pickles in quarts; then they had six years and a half supply of white wines; and how many years' supply of saloon candles for the transports did the Committee suppose they had? Why, ten years' supply! The right hon. Gentleman opposite, who had been so many years at the Admiralty, and knew so much about the Navy, would probably be able to enlighten them about some of those things. There was an item called "foot-pieces for stockings"—some covering, he supposed, for the men's feet in cold weather. That must have been a nice little job in past times; for he had found no less than fifty years' supply of those articles in stock. There were four years' supply of prepared soup. Yet the right hon. Gentleman talked of starving the Navy, and said they had no cloth, no clothing for the Marines. Good gracious! Why, in their depôt of blue cloth, No. 2, he found seven years' supply; of jackets, twelve years' supply; supplies of comforters for three years and a half, of striped shirting for five years, and of towelling for seven years. In his simplicity—and he was ashamed to confess it—seeing the high price they were paying for towelling, he broke up the monopoly of that article last year, and got it at a cheaper rate, little thinking they had then probably more than six years' supply in hand. Then, with regard to the anchors, they had 2,000 in hand. It was proposed to sell at various prices—some not being worth more than old iron—about 1,100 of them, and there would still remain 900 anchors for Her Majesty's ships. The right hon. Gentleman opposite had asked a question about paint—if it was not true that the paint manufactured at Chatham had been reported by chemists in London to be of first-rate quality. The hon. Member for Finsbury (Mr. Alderman Lusk) had laid it down as an axiom that they ought never to manufacture articles when they could buy them as cheaply in the market. Acting on that principle, the Admiralty had an investigation into the manufactory of paints at Chatham, and they found they could buy in the open market much cheaper than they could manufacture. Consequently, at Chatham they were only using up the materials in hand, and had not the least intention to continue the manufacture of paint. With respect to timber, they had a careful survey made into their vast stocks which had been lying for years in the various dockyards, some of it till it was rotten. The right hon. Gentleman opposite had alluded to a question having arisen between the Constructor and the Storekeeper in reference to timber. In consequence of the difference of opinion between the two officials, he (Mr. Baxter) considered it better to bring in an independent party to fix the price. That gentleman visited all the dockyards with the Constructor, who gave every assistance in the matter, and having seen all the timber, gave his opinion as to what ought to be sold and what ought to be kept to the purposes of the Navy. The House would recollect that in the Premiership of Lord Palmerston the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) called attention to the stock of timber in the dockyards, which he represented as very insufficient in quantity. Considerable sensation was created on the subject, and yielding, unwisely as he ventured to think, to the feeling which the right hon. Gentleman had avowed, the Government ordered a very large quantity, principally oak. The consequence was that there was Sardinian oak and other kinds of oak now in the dockyards, for which he should be glad to see buyers coming forward. There was about £120,000 worth of timber now in the dockyards which ought to be sold. He believed that eventually purchasers would be found for it, and in respect of timber and any other articles in the dockyards, he would be guided by the consideration of what was best for the efficiency of the Navy and the good of the country. In conclusion, he could only say that he would use his best endeavours in the future, as he had done in the past, to discharge his duty in such a manner as to promote economy to the greatest possible extent.

Sir JOHN HAY said, that the department of the Navy with which the hon. Member for Montrose (Mr. Baxter) was connected was a new one, and it had not yet obtained the confidence of the country. Whether it was successful or not had yet to be proved. Of course they all knew that there were some things which might be purchased more advantageously in the open market than by contract, and that contracts might be entered into injudiciously, and might not be fulfilled. But what was the complaint against the contract system? Formerly, no one at the head of a department could be suspected, because, when tenders were called for, so many persons were on the watch that there could scarcely be a suspicion. The person who made the contract was a different person from the person who examined with the power of rejection, and in this way the public had a guarantee against improper practices. The new system might be a good one—he did not think it was—he accepted the statement about the paper which had been rejected.

Mr. BAXTER said, he wished to explain that the paper had not been rejected on the ground of weight, but because it was too thin. When this fault was discovered, the purchase was at once put an end to, and other paper was ordered from the Stationery Office.

Sir JOHN HAY said, that under the old system the paper would have been rejected by the officers of the dockyard. He was not contradicting the statement of the hon. Gentleman. His argument was that where great sums of money were passing through the hands of a public man he should be protected from all suspicion, and that this protection could not be secured if the same person who made the purchase was charged with the rejection of stores. With regard to coal the question was as to quality. When the late Board of Admiralty took Office it was considered extremely desirable for the public service that smokeless coal should be laid in. This sort of coal had the great advantage of not betraying the position of our ship in time of war. When a ship was to b tried on the measured mile, or when engines had to be tested, none but th highest quality of Welsh coal was usec and it cost 2*s.* a ton more than the ordinary Welsh coal. The first cost of superior article was higher than that c an inferior one, but for many purpose was not the former article the cheape one in the end? As to dockyards in th Channel their great use was that whe our ships came in disabled after an action, the necessary repairs might at onc be effected. By this means we could d with a smaller number of ships, for tha nation which could soonest refit its disabled ships would, of course, have great advantage. With regard to th stock of timber, it must be remembere that when his right hon. Friend the Member for Oxfordshire (Mr. Henley) calle attention to the subject, the wooden lin of-battle ships were just being converte into screws, and iron shipbuilding w hardly recognized as a necessity for war fleet. At that time the annual co sumption of timber in our dockyards w about 20,000 loads, and in order th there might be a stock of seasoned tir ber on hand, it was always thought rig to keep a stock of 60,000 loads, or three years' supply. The Governme of Lord Palmerston thought it right enter into further contracts and increa the stocks to 120,000 loads. That timb was being delivered from 1862 to 18 but by the latter date the change fr wooden ships to iron ships had b almost effected, and, except for finished contracts, no oak was us The Board of Admiralty, of which was a member, took measures to red the stock, and ordered no new timb except teak, for iron ships. He c curred in the policy of selling tim which was not wanted; but he was selling it to advantage, and not hav it squandered and thrown away like anchors of which they had heard evening. There was plenty of room the dockyards for all the timber in ha and it would be better to store it tha sell it at one-fourth of its value. I were disposed of at such a loss, he c not but think that a day of retribu would come, and the country would be pleased with those who had so sol The subordinate clerk and some o officers who had been referred to not tried to cheat the Government, but o cheat contractors. They tried to persuade contractors that they had an in- luence which they did not possess, and which it was practically impossible they could have possessed under the old sys- em. He quite approved the course aken by the hon. Member for Montrose n the matter, but the detection of those persons proved nothing against the con- ract system. They had been detected by means of the checks which existed when the late Government left office. The hon. Member for Montrose had stated that he did not make any charge against his right hon. Friend (Mr. Corry), and did not take credit in any speech for he reductions which were the work of hat right hon. Gentleman. But in the peech which the hon. Gentleman deli- ered at Perth, after referring to those eductions in the Navy, the hon. Gentleman did say, "My right hon. Friend he First Lord is on the mountain waves ow and at Gibraltar, there will as- emble a fleet by far the most powerful hat the world has ever seen. He and are responsible for its condition."

Mr. BAXTER: I never said or hinted hat it was my saving, but only that was the saving of the Board of Admi- lty, in which my share, as every one nows, was very small.

Sir JOHN HAY said, the hon. Gen- eman's words on the occasion to which e referred did bear the interpretation at he and the First Lord of the Admi- lty took credit for a reduction of 1,000,000 in the Estimates of last year, hile the fact was that £540,000 of that m was due to the management of the ght hon. Gentleman (Mr. Corry).

Mr. J. D. LEWIS said, that at that e hour of the night he should post- ne the remarks he wished to make on e dockyards until the Vote on the sub- t came on for discussion.

Mr. HUSSEY VIVIAN said, he could t agree in the statement of the hon. ember for Sunderland (Mr. Candlish), at a mixture of Welsh and North untry coal produced less smoke than her of those coals alone. He believed at Welsh coal was as superior to North untry coal as it was possible to con- ve. Those great steamship companies, which, under their contracts with e Government were bound to extreme gularity, and which never failed to be gular in their voyages, were supplied tirely with Welsh coal.

Mr. PEASE said, the steam-raising powers of North of England coal were proved to be quite equal, if not very much superior, to those of Welsh coal.

Mr. DALGLISH said, that the House used to hear the necessity of increasing the Navy vouched for on one side and gallantly supported by the other. Now the two sides only wrangled for the credit of reductions. He congratulated the House on this great improvement.

Mr. CHILDERS, in reply, said, that when he denied having made the speech attributed to him by his right hon. Friend (Mr. Corry), who said that it was delivered in the autumn, he supposed he was referring to some speech of his made during the Recess. As, however, he had made no speech during the Recess, he imagined that his right hon. Friend had fallen into some mistake. He had since ascertained that his right hon. Friend referred to a speech of his delivered late in the last Session, at a time when his right hon. Friend was on the Continent. He must, however, demur to the description which had been given of that speech. His right hon. Friend was entirely mistaken in supposing that he (Mr. Childers) said that the strength of the Navy was due to what had been done since he took Office. He had had time to refer to the report in *Hansard*, and no such language had been used by him. His right hon. Friend had also misunderstood what he had said the other day as the reason for flying the Admiralty flag on the recent cruise of the combined fleets. What he said was that it was a matter of delicacy when there were two officers of nearly the same rank to place one over the other, and that the difficulty was easily got over by the Admiralty flag. He had never for a moment doubted that seniority, if only of a day, placed one officer in command of the other. With reference to precedent, he had followed as to the Admiralty, precisely the course adopted by the Duke of Somerset when he went to Malta. With respect to the *Captain*, he had only to say that if he had sent the *Captain* to sea with all her crew and without her guns, no one would have been more forward to complain than his right hon. Friend. With regard to the complaint of the hon. Member for the Tower Hamlets (Mr. Samuda), he had stated that it was the intention of the Admiralty to build 4,000 tons of shipping annually in private yards. He would not discuss the matter now, but the Estimates only provided for new machinery at three dockyards. He hoped the Committee would now pass the first Vote.

Mr. CORRY said, that if the Duke of Somerset had given orders at Malta under the authority of the Admiralty flag, as the right hon. Gentleman said he had done, all he could say was that two Liberal Lords of the Admiralty had done unconstitutional things. He thought his authority for having said that no such orders had been given—which was that of a Colleague of the noble Duke—was as worthy of credit as the right hon. Gentleman's statement.

Mr. CHILDERS said, that, having been prepared for the remarks of his right hon. Friend, he had examined the orders given by the Duke of Somerset's Board at Malta, which corresponded entirely with his statement.

Vote *agreed to.*

(2.) £2,692,731, Wages to Seamen and Marines.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

MORTGAGES (NO. 2) BILL.

On Motion of Mr. Dodds, Bill to extinguish the Estates of Mortgagees on payment of the Mortgage Debt, *ordered* to be brought in by Mr. Dodds, Mr. Pease, Mr. Bolckow, and Mr. Wren-Hoskyns.

Bill *presented,* and read the first time. [Bill 52.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, 1*st March,* 1870.

MINUTES.]—Public Bills—*First Reading*—Irish Church Act (1869) Amendment (23).
Report—Sunday Trading * (19); Judges Jurisdiction (20-25).

IRISH CHURCH ACT (1869) AMENDMENT BILL.

BILL PRESENTED. FIRST READING.

Lord REDESDALE *presented* a Bill to amend the Irish Church Act, 1869.

In doing so he thought it might be wel
that he should direct attention to it
provisions, lest the title should excit
unfounded apprehensions; whereas, i
fact, this Bill had a very limited scope
One provision in the Act he thought re
quired correction. By its provisions, a
their Lordships were aware, the Churc
in Ireland would cease to be established o
the 1st of January, 1871; but there wa
power to appoint to any Church prefer
ment that might become vacant in the in
terval, and the Church Temporalities Com
missioners were directed to pay to per
sons who might be appointed such portio
of their salaries as they might be entitle
to receive during that period. This pro
vision clearly showed that so long as th
Church remained an Establishment
was entitled to receive the amount of it
income. Yet, as the Act at presen
stood, in the event of no persons bein
appointed to fill up such vacancies a
occurred during the current year, th
profits of the vacant benefices would n
go to the Church Body, but to the Gen
ral Fund. It appeared to him that th
was an oversight, for it was obviousl
just that whatever belonged to th
Church should be paid to it so long as
continued established, even although n
appointments were made. In the prese
position of affairs, when great chang
were taking place in the state of th
Church, it might be undesirable to mal
appointments to fill up vacancies; B
this Bill it was provided that where n
person was appointed to any vacant pr
ferment the sum due in respect there
should be paid to the Church Bod
That was the simple object of the Bil
to which he did not anticipate any opp
sition.

Bill read 1^{a}; and to be *printed.* (No. 23

JUDGES' JURISDICTION BILL.—(No 20
(The Lord Chancellor.)

REPORT.

Amendments *reported* (according
Order).

The LORD CHANCELLOR said,
had been suggested to him by a nob
and learned Friend that the consent
the Chief Judge being now required
the sitting of one of his Puisne Judges
another court, the letter requesting su
assistance should be sent to the Chi
Judge of the court from which assis
ance was required, instead of to th

uisne Judge. He would accordingly ropose that Clause 2 be modified in this nse.

Amendment *agreed to.*

Bill to be read 3ª on *Thursday* next; be *printed* as amended. (No. 25.)

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 1*st March*, 1870.

NUTES.]—NEW MEMBERS SWORN—Richard owse, esquire, *for* Londonderry City; Hon. uberon Edward William Molyneux Herbert, *or* Nottingham Town.

LECT COMMITTEE—*Second Report*—Committee f Selection. [No. 81.]

PPLY—*considered in Committee*—*Resolutions* February 28] *reported*—NAVY ESTIMATES.

BLIC BILLS—*Resolution in Committee*—Merhant Shipping.

lered—Marine Mutiny *.

ered—*First Reading*—Registration of Voters* 53]; Sale of Liquors on Sunday* [57]; ramways [54]; Merchant Shipping* [55]; oard of Trade* [56].

ARMY—BEARDS IN THE ARMY.

QUESTION.

MR. STACPOOLE said, he would beg ask the Secretary of State for War, ether he is prepared to apply to the ny serving in the United Kingdom the Colonies regulations as to the ring of beards similar to those now operation in the Navy and Royal rines, and recently issued in the case Her Majesty's Regiments in India?

APTAIN VIVIAN said, in the absence is right hon. Friend the Secretary of e for War, he had to state that, in equence of the recommendation of William Mansfield, the Field Mar- Commanding-in-Chief had sanced, on sanitary grounds, the wearing eards by the troops in India. On same grounds his Royal Highness ld be prepared to give a similar perion to troops in the Colonies, or where; but his Royal Highness saw eason why this permission should be e general.

IRELAND—NATIONAL SCHOOLS.

QUESTION.

SIR FREDERICK W. HEYGATE said, he wished to ask the Chief Secretary for Ireland, Whether the Government intend to propose any alteration this Session in the existing salaries and position of the teachers under the Irish National Board of Education; and, in the event of no general measure being introduced, if provision could not be made for an improvement in the present inadequate scale of payment in the Estimates for the current year?

MR. CHICHESTER FORTESCUE replied, that the position and the salaries of the Irish national school teachers were not satisfactory; but he could not give a definite answer to the Question till the Report of the Commissioners of Education in Ireland had been laid on the table. It was not, however, likely that the Government would be able to deal with the position and the salaries of the teachers till the whole subject of elementary education in Ireland was brought under the notice of Parliament.

PROCEEDINGS IN THE DIVORCE COURT.

QUESTION.

CAPTAIN DAWSON-DAMER said, he would beg to ask the Secretary of State for the Home Department, Whether it may not be practicable, and, if possible, in future be expedient in the interest of public morality, to impose some check upon the publication of the proceedings in the Divorce Court?

MR. BRUCE: Sir, the question the hon. and gallant Gentleman now raises was fully considered by this House in the discussions on the Divorce Court in 1859. On the recommendation of the learned and eminent Judge who then presided over that court—Sir Cresswell Cresswell—a clause was introduced in the other House to enable the Judge to hear cases with closed doors; but, after full discussion, that clause was rejected in this House. The principal ground on which the House rejected it was this—that publicity was necessary for the pure and impartial administration of justice, and that, admitting that much misery and occasional mischief might result from the publication of those proceedings, yet, on the whole, public morality rather gained than lost by it.

ARMY—TROOPS AT ALDERSHOT.

QUESTION.

Mr. SIMONDS said, he would beg to ask the Secretary of State for War, If it is intended to re-establish the Third Brigade of Infantry at Aldershot, which has been broken up during the winter months; and, if not, whether the Brigade Major is not entitled to some consideration, seeing that the necessary expenditure of such officer entails upon him a loss in amount of more than his regimental pay and staff allowances?

Captain VIVIAN replied, that it was intended to establish the third brigade of infantry at Aldershot for the drill season during the summer months, commencing in April, and the brigade major would be re-appointed.

NDIA—THE INDIAN NAVY—CASE OF CAPTAIN HAMILTON.

QUESTION.

Mr. ABEL SMITH said, he wished to ask the Under Secretary of State for India, Whether, according to the scheme for compensating the Officers of the Indian Navy for the loss of their professional prospects on the abolition of that service, had Captain B. Hamilton been in an inferior grade as a Senior Commander, would he have received a pension or compensation of £450 per annum; but he having been promoted to the higher rank of Captain before the abolition, and having been guaranteed by the Act 21 and 22 Vic., c. 106, Clause 56, £120 per annum more unemployed pay and £70 per annum more pension, why is the pension or compensation allotted him reduced to £400 per annum; whether, to enable Captain B. Hamilton to obtain the same amount of compensation or pension as he would have received with the other Senior Commanders had he remained in that inferior grade, is he compelled to sell to the Secretary of State for India his reversion of the £800 per annum pension which he would have received in rotation as he stood on the seniority list; whether a Letter was written to Captain B. Hamilton informing him that unless he signed a Paper sent him from the India Office accepting the above amount of compensation or pension, no pension or payment whatever would be made him by the Secretary of State for India, notwithstanding Captain Hamilton h ing served his full time for his pens guaranteed him by Act of Parliam 21 and 22 Vic.; whether there is a thing against Captain Hamilton's c racter as an officer or a gentleman justify such a course as that of plac him on only the same amount of co pensation or pension, viz., £400 annum, as that allotted the Jun Commander, Captain Hamilton be guaranteed £240 per annum more and £170 per annum more pension, having served in India eight years lon than that officer; and, whether, if th is no complaint against Captain Ha ton, if he will give the reasons why C tain Hamilton is not compensated the loss of his professional prospects cording to his rank and length of vice, on the same principle and in same manner as not only the 236 Offi of the late Indian Navy junior to are, but as all Civil, Military, and N Officers in every service are compens or pensioned?

Mr. GRANT DUFF said, in an to the first Question in his hon. Frie catechism—for it was a catechism, hardly a Shorter Catechism—he ha say that, under the special scale of sions granted to officers on the abol of the Indian Navy, captains of Ca Hamilton's standing were allowe option of retiring on a pension of per annum, with succession in tu a pension of £800 per annum, or c tiring on a pension of £450 per ar without any such right of succes The most favoured class of comma —that was, those whose appointme the service bore date prior to the 1831—were allowed to retire on a sion of £450 without any option that allowed to captains. In answ his hon. Friend's second Questio had to say that Captain Hamilto compelled to accept nothing. H merely placed midway between tw tremely good things and asked t his choice—a proverbially difficult tion, no doubt. In answer to hi Friend's third Question, he had that on the 9th of December, 1 letter was sent to Captain Hamilt to other officers, enclosing a pa queries, and requesting him to which pension he elected to r Not having returned the paper o ries with his answer, he was, on t f March, 1863, applied to for it. A long orrespondence, with which he would ot trouble the House, then ensued, in ie course of which Captain Hamilton rged his views with no small pertina-ty, but on the 7th of June, 1863, he rote a letter giving up the whole matter dispute, from which the following was n extract:—

> "I have the honour to request you will forard to the Secretary of State for India my rnest request to withdraw my letter of the)th of May, 1863, and all my letters regarding ck pay and pension. I am afraid I have been isinformed as to what I considered my right, hich I feel I have urged in stronger language an becomes me. I have also misunderstood the ture of the pension offered to me in the Cirlar of the 28th of November, 1862. I beg to rward with this the amended answers to the eries which I request may be substituted for at sent with my previous letter — Query.—hich scale of pension do you elect to receive? nswer.—£450 without succession to the senior ."

answer to his hon. Friend's fourth uestion, he had to say that until he ard the suggestion therein contained never heard it hinted that there was ything against Captain Hamilton's aracter. He must remind his hon. iend, however, that the amount of a n's pension depended upon fixed rules, d had nothing whatever to do with vices or the virtues of the pensioner. to Captain Hamilton's having been aranteed the amounts stated, that was nere delusion. If he had been guateed one farthing which he had not , were not the courts open? In aner to his hon. Friend's fifth and last estion, he had to say that precisely same measure had been meted out Captain Hamilton as had been meted to all the other officers of the late ian Navy, senior and junior, distinshed and undistinguished.

HE FACTORIES ACTS.—QUESTION.

Mr. SAMUELSON said, he would to ask the Secretary of State for the me Department, Whether he will inluce a measure for prolonging any of temporary modifications of the Faces Acts Extension Act of 1867, and e especially those relating to the rs of labour of male young persons the age of sixteen in healthy emments, which modifications will e to be in force after the 30th of e in the present year, unless the time xtended by further legislation?

Mr. BRUCE said, in reply, that it was uncertain whether a Bill on this subject would be introduced during the present Session. Some time ago he had addressed a letter on the matter to the Factory Inspectors, and the course he would take would much depend upon the answer he received.

INDIA—PENSIONS.—QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for India, Whether he will lay upon the Table a Return of all applications from Pensioners for the commutation of their pensions payable from the Revenues of India in England since the passing of the India Act in August 1868; the cases of refusal and the reasons for refusal; and, the names of persons who, having had their pensions commuted, afterwards asked for a compassionate allowance?

Mr. GRANT DUFF: Sir, I think that unless my hon. and gallant Friend could show that some great public benefit was likely to arise from giving the Return for which he asks, it would be most undesirable to give it. It would not be easy to devise a Return more painful to the feelings of individuals, nor one, so far as I can see, less useful to the public. I must, therefore, decline to give it.

CHINA—MR. HART'S NOTES.
QUESTION.

Colonel SYKES said, he now wished to ask the Under Secretary of State for Foreign Affairs, Whether the Foreign Office is in possession of a note of seven paragraphs on Chinese matters, by Robert Hart, esquire, Director General of Imperial Customs, dated Pekin, 30th June 1869, and the reply to Mr. Hart's "Notes" by the ex-American Minister to Pekin the Honourable Ross Brown; and, whether he will communicate the same to the House?

Mr. OTWAY said, in reply, that the document in question had not been officially communicated to the Foreign Office, but that a copy, which had been inserted in a Chinese newspaper, was in the Foreign Office. It would not, however, be possible to lay the document on the table in such a shape.

ARMY—BRIGADE OF GUARDS.

QUESTION.

LORD GEORGE HAMILTON said, he would beg to ask the Secretary of State for War, If he has any objection to lay upon the Table of the House the Correspondence between the War Office and Colonels Hardinge and Stephenson, relative to the reduction of the Field Officers of the Brigade of Guards?

CAPTAIN VIVIAN said, in reply, there would be no objection to produce this correspondence, if the noble Lord would move for it.

ARMY—WOOLWICH ARSENAL.

QUESTION.

COLONEL BERESFORD said, he would beg to ask the Secretary of State for War, If it be true that an Order has been issued from the War Office to the Royal Arsenal, Woolwich, recalling a number of discharged men (Pensioners) to return to the Arsenal, and to resume work at a reduced time and pay, or forfeit their pensions; and, whether the Government, taking into consideration the large number of unemployed men and the great distress prevailing at the present time in Woolwich, will make the Order optional instead of compulsory?

CAPTAIN VIVIAN: Sir, an order has been given that when it is necessary to take on workmen, the preference should be accorded to those discharged on pension on reduction; but it would not be insisted that a man should rejoin at lower wages than he previously had.

POLLUTION OF RIVERS COMMISSION.

QUESTION.

MR. J. HOWARD said, he would beg to ask the Secretary of State for the Home Department, How many Reports are expected from the Rivers Commission in addition to those already received, dated respectively 29th March 1866; 6th May 1867; 15th August 1867; and 10th February 1869, and, when it is expected the Commissioners will have completed their inquiries; and, whether it is the intention of the Government to postpone all legislation upon the subject until the completion of the inquiry, or to bring in a Bill embodying the recommendations of the Commissioners for removing the principal evils pointed out in the Reports; and, if so, whether su
Bill will be brought in during the p
sent Session?

MR. BRUCE, in reply, said, he
lieved there would be two more Repo
before the Commission closed its
quiry. He understood, however, tha
was unnecessary to await the termi
tion of the inquiry before introducing
Bill. He could not promise; but
hoped to be able to bring in a Bill n
Session on this important subject.

MR. J. HOWARD: When will
inquiry terminate?

MR. BRUCE said, whether it wo
terminate this year he did not kno
but no doubt it would be completed
next year, at the latest.

PERSIA—THE LEGATION.—QUESTI

SIR CHARLES WINGFIELD sa
he wished to ask the Under Secret
of State for Foreign Affairs, Whet
the question of restoring to the In
Office the control of Her Majesty's
gation in Persia will be taken into
sideration by the Select Committee
the constitution of Diplomatic and C
sular Services?

MR. OTWAY said, in reply,
there was no reason why the ques
should not be considered by the C
mittee on the Diplomatic and Co
lar Services. The point was on
great importance, and as a Memb
the Committee, he should like to
the opinion of a Gentleman so well
lified to give one as the hon. Mem
himself.

METROPOLIS—SOUTHWARK PAR

QUESTION.

MR. LOCKE said, he wished to
the First Commissioner of Works, W
ther he is informed that it is the in
tion of the Metropolitan Board of W
to appropriate a portion of South
Park to building purposes, such a
priation being entirely contrary to
wishes of the Inhabitants and
payers of the Borough?

MR. AYRTON: Sir, I have no p
information of the proceedings o
Metropolitan Board of Works;
have reason to believe that they a
deavouring to do equal justice be
the ratepayers and inhabitants of S
wark, and the ratepayers and in
tants of the rest of the metropolis
I have no doubt that the ratepaye

habitants of Southwark will not be)pressed so long as they are protected ; the hon. Member.

EW CAB REGULATIONS.—QUESTION.

Mr. BOWRING said, he would beg ask the Secretary of State for the ome Department, Whether his atten- on has been called to the remarks ade last Thursday by Mr. Dayman, e sitting Magistrate at the Hammer- iith Police Court, on his declining to nvict a Cab Proprietor for a breach of e New Cab Regulations, on the ground those Regulations being inconsistent th the provisions of the Act of 1869?

Mr. BRUCE: My attention, Sir, has en called to the decision of Mr. Day- an to which my hon. Friend refers, d I have directed an inquiry to be ade into the legal validity of that de- ion. The opinion of Mr. Dayman, as as it goes, has reference to only one the cab regulations; but I may xe this opportunity of mentioning that Act of last Session was a mere pro- ional Act, and it was then my inten- n, and it is now my hope, to be able introduce a Bill this Session to con- idate the various Acts and Regula- ns on this question. This will give House an opportunity of discussing ne of the questions on which a differ- e of opinion exists, especially as to employment of lamps, and the use of rawlers."

RMY—NON-PURCHASE CORPS FROM INDIA.—QUESTION.

Colonel ANNESLEY said, he would g to ask the Secretary of State for ar, Why the new Non-Purchase Corps, 101st and 102nd, &c., were placed on roster for home service before those giments who were in India at the date the amalgamation, thus adding two more years to the Indian service of giments who went to India for the tiny in 1857?

Captain VIVIAN: Sir, his Royal ghness the Field Marshal Command- -in-Chief, with the concurrence of the retary of State for War, decided that non-purchase corps should return me annually. By this arrangement first returning home would be again barking for foreign service before the arrived in this country, thereby ing officers opportunities of exchanging fron one non-purchase corps to another, and enabling them to remain on foreign service if they wished to do so, instead of by having the whole of the non-purchase corps at home at the same time, and compelling them to remain in this country unless able to exchange into a purchase corps. Moreover, it was not considered desirable that the whole of these corps should be in this country at the same time.

COMMITTAL OF A FOREMAN OF A JURY. QUESTION.

Mr. HAVILAND BURKE said, he wished to ask Mr. Attorney General, If the attention of the Government has been drawn, in an official form or otherwise, to the committal of the foreman of the jury for five days by W. H. Cook, Esq. Q.C., County Court Judge, while presiding in his official capacity at Norwich; whether the Judge of that County Court was justified in ordering the Registrar to enter a verdict for the Plaintiff before the jury had determined the verdict which was eventually given for the Defendant; and, whether any and what steps will be taken by the proper authority to prevent the recurrence of such acts?

The SOLICITOR GENERAL said, in reply, that he expected his hon. and learned Friend the Attorney General would have been in his place that evening. Perhaps the hon. Member would repeat the Question after there had been an opportunity of communicating with Mr. Cook.

EMIGRATION.—RESOLUTION.

Mr. R. TORRENS said, in undertaking to bring under notice of the House the efficacy of emigration as a remedy for the distress so widely prevailing, he did not presume to claim credit for any truer or warmer sympathy with that suffering than he was satisfied stirred the hearts of other hon. Members; but he stood, in relation to this question, in a position so far peculiar that, owing to his having resided for nearly a quarter of a century in a land where such distress was absolutely unknown, its very strangeness rendered him more sensitive to its influence, impelling him to action; and the same circumstance placed him in the position of being enabled to testify, as an eye-witness, to the efficacy of emigra-

tion, when judiciously conducted, as a remedy for that condition of suffering which all alike deplored. He would not take up the time of the House by dilating upon details of that distress; but having already assumed its existence to be admitted and sympathized in, he would content himself with observing that the statistics of pauperism, though exhibiting a serious increase, by no means afforded a true measure either of the extent or intensity of suffering actually existing, inasmuch as they disclosed only the increasing number of those who, succumbing to pressure, become actually chargeable upon the poor rate, but tell nothing of the suffering of the still greater number who, with a patience and fortitude deserving all commendation, endure the pangs of insufficient sustenance and all the depressing incidents of extreme poverty, hoping against hope from day to day, if by any means they may escape the degradation of becoming chargeable on the parish. The evidences of this state of things, though not afforded by statistical tables, are only too patent to all who will be at the pains to inquire into the condition of the working classes. There might be —he wished it were in his power to say confidently there were—reasons for believing this calamitous distress to be but temporary as regarded the condition of the artizan class; but as regarded the agricultural labourer, the case throughout a great part of the country was undoubtedly chronic. When there was employment for two there were three seeking for it, and by this competition wages were kept at a scale which barely sufficed to supply food, clothing, and lodging essential to sustain a single man in vigor. In the case of the married labourer, therefore, that amount of food must be curtailed that the wife and children might not go naked or starve. Lassitude and depression, induced by insufficient sustenance, created a craving for ardent spirits to arouse the system, or for the drugged beer of the pot-house to stupify and deaden the sense of suffering. The dwelling of the labourer seldom afforded sufficient accommodation to admit of separation of the sexes and observance of the ordinary decencies of civilized life. The conditions of such an existence were inconsistent with moral or intellectual culture—and the labour of a man thus enfeebled in body and almost
brutalized in mind was dear even at
paltry wages paid for it. Disease
premature decay induced by those ca
incapacitated for labour at a comp
tively early period of life; a result
tened by despair of being able to re
himself and family from the downv
track at foot of which the inevit
workhouse yawned to receive them.
was no exaggerated picture, but a
description of the state of things in
tain districts, and its existence w
disgrace to the civilization and huma
of this wealthy nation. Happily it
confined to certain districts. Not
our northern counties were free from
opprobrium, a circumstance which
forded absolute assurance that it
remediable by human agencies.
wherever this state of misery exist
whether the locality be rural or urb
whatever be the industry, whether
cultural or manufacturing—and whe
the distress be temporary or chronic
proximate cause was one and the s
excessive competition — competition
duced by the existing disproportion
tween the number of labourers and
amount of employment afforded w
the limits of these islands. Probabl
one would be found to deny that the
tress which they deplored would at
be alleviated if only it were possib
interpose Nova Scotia or New Zea
in the ocean space between Great Br
and Ireland, so that the labour
capital here in excess might pass
to fertile lands inviting cultivation.
competition in the market for each w
be relieved—the Irish land famine w
be appeased—and the previously
poverished, because inadequately
ployed, labourers would with their
lies become largely customers for
manufactured products of those w
they had left behind in the old locat
The beneficial agency of such a migr
would therefore be two-fold—imme
in reducing competition for employ
and ultimate in increasing the am
of employment for those who rema
As this augmentation of acreage of
islands was impracticable, as the m
tain could not move to Mahom
Mahommed must move to the moun
That was, for migration they must
stitute emigration, and analogous,
identical, results would be attained.
was aware that that had often
denied, and probably would agai

enied, by those who pleaded that
migration drained the country of its
trength, its best producers; since it
as the young, the vigorous, the en-
erprizing, who emigrated; leaving the
ged, the feeble, the listless, to burden
ie ratepayers of the country. To that
e would venture to reply—first, that
ie emigration which went on spontane-
usly or with the aid of Colonial funds,
nd which could not be interrupted, was
lmost exclusively of that valued class;
ut the emigration which he was pre-
ared to advocate for the relief and at
ie cost of the mother country, would
e almost exclusively of middle-aged
arents accompanied by their children.
econdly, that the young, the vigorous,
nd the enterprizing were a strength only
the proportion in which the country
fforded them employment. When they
ceeded that limit they were not a
rength but a danger and little less a
urden than the aged and infirm. Thirdly,
would reply that the declaration of
olicy by Her Majesty's Minister for
e Colonies in "another place" should
far to dissipate the idea that those
ho took up their abode in British Co-
nies ceased to constitute portion of the
rength of the Empire. Large em-
oyers of labour need not be uneasy
st emigration be carried to such excess
at upon a revival of trade they should
d a scarcity of hands to avail of it.
ie ties of home and kindred were
rong and not lightly broken. The
luctance to abandon an occupation in
hich skill and adroitness have been
quired by long practice, in exchange
r one laborious and irksome, because
accustomed, was also powerful, and
ould not be encountered except under
essure of circumstances amounting
something like necessity. Upon re-
val of trade, or any other cause sup-
ying permanent employment at ade-
ate wages, emigration would cease of
own accord; but, pending the con-
gency of increased employment from
at source, they were not justified in
aving in indigence and misery thou-
nds of their fellow-countrymen who, if
moved to a position of competency in
e Colonies, would, as customers for
r manufactures, be largely instru-
ntal in bringing about that revival of
de so earnestly desired. Again, it
d been urged that that class of men
re not suitable colonists, and that the
demand for skilled labour was limited. There was some truth in that objection; but, after the experience of many years as a colonist, he dared assert that its applicability had been greatly exaggerated. He had known hundreds of artizans whose strong limbs and determined hearts had overcome whatever there was of difficulty or irksomeness in the change of avocation. Admitting, however, a degree of truth in that objection, it was desirable that any continuous or extensive emigration promoted or directed by the Government of this country should be of the agricultural class, by which means they might advantageously divert to other fields of production the labour which constantly gravitated from the rural districts towards the towns, intensifiying the competition for employment already excessive in those great centres of industry, and by that means, rather than by any extensive emigration of their skilled labourers, might indirectly and gradually, but safely and effectually, relieve the distressed condition of their artizans and mechanics. He believed he had now made out a sufficient case to establish the expediency and the efficacy of emigration as a remedy for the distress so deplorably prevalent. It remained to consider from what sources the funds requisite for the application of that remedy might be derived. The Colonies, as they would benefit at least equally with the mother country by any well-considered system of emigration, had naturally been looked to as a source from whence aid might be expected. Speaking with a very intimate knowledge of the facts, he regretted his inability to entertain any sanguine expectations of material aid from that quarter. The Government of the Dominion proposed to afford some small aid in looking after the emigrants when landed on their shores, and, not without a fair show of reason, excused themselves from further contribution, by pleading that their money would be availed of by emigrants *en route* to the United States. Throughout Australia, prior to 1837, the Wakefield system of colonization had been more or less operative; the principle of which was that the value which population conferred upon land on which it was located should constitute a fund for defraying the charges of emigration. The waste lands of the Crown, so far as they were placed at the disposal of the local

governments, were so placed to be alienated by sale only, and the proceeds held subject, as regarded one moiety, to lien in the interests of the people of England, available for generations to come, to relieve this country of surplus population. He lacked words wherewith to convey to the House an adequate idea of the beneficial working of this system. In an evil hour, no less for the Colonies than for this country, the Colonial Minister of the day conceived the idea of bestowing upon these small communities the vast estate of the people of England in these lands, without any reservation of the emigration moiety; and, at the same time, a form of government, the most purely democratic the world had ever known, was introduced into them. An immediate consequence of throwing the entire control of this land revenue into the hands of the class of hired labourers had been the abandonment of the Wakefield system—they withdrew the bridge by which themselves had passed to independence—and since that time but a meagre and inadequate sum had been grudgingly doled out by the Australian Legislatures for emigration. Wages had been forced up to 6*s.* or 7*s.* per day; but the previously rapid advance in population and wealth had been arrested, and the working classes of this country, without their knowledge or consent—and he ventured to add without the cognizance of their representatives—had been deprived of that fund which, at a period of severe distress like the present, would have been available to transport them to lands where liberal wages and a fair future prospect would reward their industry. Such conditions did not warrant any reasonable hope that the Colonies would contribute any sum sufficient to have an appreciable effect in relieving the labour market of this country. If, therefore, that relief was to be afforded they must look at home for the means; and that brought him to the concluding consideration, towards which all the remarks, with which he had, he feared at too great length, troubled the House, were intended to converge. He would assure the House, and especially Her Majesty's Ministers, that in offering suggestions, which were the result of much careful thought, upon a subject in which he took the deepest interest, he did not presume to dictate or prescribe any special course as that which should alone be adopted. On the contrary, he held that not one agency but several might with advantage be called into play for the promotion of emigration; and in that spirit he offered a few suggestions to be considered with others for what they might be worth. Voluntary efforts were being made, and in these the merchant princes of this city had, with the liberality which ever distinguished them, contributed large sums, to be expended under the auspices of the Emigration Aid Society, in furtherance of this great work of charity. He would venture to call it this best work of charity, for it was free from that alloy which, more or less, entered as an ingredient into other modes of relief. It did not break down the spirit of self-reliance in the recipient, but placed him in a position of independence. Neither was the benefit confined upon the individual alone. It endured to all who might be borne of him for generations to come. Voluntary efforts of this kind should by all legitimate means be encouraged; and with that view he begged leave urgently to press upon the consideration of Her Majesty's Government the expediency of assisting the efforts of the society he had named —a society which numbered amongst its active administrators many Members of that House, the Lord Mayor of London, and others, whose names were a guarantee for a judicious and faithful use of any means that might be entrusted to them—by placing at their disposal some of the Government transports or vessels of war which might be suitable for conveyance of emigrants, and not likely to be again or speedily commissioned. He would venture to hope that no considerations of departmental convenience, or other such obstruction, would be allowed to interfere with what the public voice loudly and distinctly called for in this matter. But whilst voluntary efforts should be availed of and encouraged, it would be worse than folly to shut their eyes to the fact that the scope and magnitude of the work in this case requiring to be done was altogether beyond what could be accomplished by private benevolence. If anything effectual was to be done for the relief of the present distress, or for the permanent improvement of the condition of the working classes, it was not in hundreds, but in thousands that families must be transplanted; and for such a work they must look elsewhere than to private resources and voluntary associations. It remained for consideration whether the funds required for this object might, with greater justice and expediency, be drawn from local rates, from the general taxation, or from both. It had been objected, and the objection insisted on with some pertinacity, that a local rate for emigration would lay an additional burden on those who remained for the advantage of those who emigrated. That objection would be fatal were there any question of a special rate for emigration; but as he would presently show that simply by a more judicious use of the amounts already drawn from the pockets of the ratepayers, they would be in a position to afford substantial relief, that objection, on the score of injustice, fell to the ground. For the emigration of a family such as he had referred to as drifting towards pauperism, but not yet paupers—say, the parents over forty years of age, and four children under ten, equivalent to four statute adults—the sum of £50 would suffice if transplanted to Australia, or £30 if transplanted to Canada. The mean of these amounts—£40—would, on the terms on which monies were advanced to Irish landlords for the improvement of their estates, impose on the parish or union an annual charge of £2 12*s*. for interest and sinking fund. Surely the case needed but to be stated in order to satisfy every rational person that, in guaranteeing ratepayers on such terms as these against the more than probable contingency of having to support this family in the workhouse, there would be the truest economy for those who remained in this country, and that, so far from imposing any additional burden, the future pressure on the ratepayers would be effectually relieved; whilst, at the same time, the higher wages and cheap and abundant food which reward industry in new countries would enable the emigrating parents to bring up their family in comfort, with a well assured prospect of future independence. To render that practicable it would be necessary to amend the existing law, 3 & 4 *Will.* IV. c. 76, so as to place Boards of Guardians on the same footing as Irish landlords, as far as regarded the privilege of borrowing from the public Treasury on the security of the rates. The law, as it already stood, recognized the principle of borrowing of money for emigration purposes; but, in addition to other disabling conditions, it required the sum so borrowed to be repaid within five years, and limited the amount to a sum not exceeding the average of a half year's rates collected in the parish or union. The amendment of the law in that respect was the second suggestion which he ventured to submit for the consideration of the House and of Her Majesty's Government. But as a district which once relieved of its surplus labourers by the procedure he had been recommending would be liable to be again overburdened by the influx of indigent workmen from other districts, attracted by the improved state of the labour market, it was desirable to encourage simultaneous action wherever the number of labourers was in excess. And in that view, as well as on the grounds that all classes throughout the kingdom were interested in the solution of this momentous question of the condition of the working classes, he felt justified in advocating the policy of stimulating local efforts by subsidies from the general revenues of the country, proportioned to the amounts expended by the several localities. That was the third suggestion which he begged to submit; and as he knew of no question of equal importance or to the solution of which the highest intellects of the country might more worthily be devoted, neither was he aware of any object for the attainment of which the resources of this great country might more legitimately be drawn upon. He begged to express his gratitude for the patience with which the House had borne with him for so long a time, and would conclude by moving his Resolution.

MR. EASTWICK said, that in rising to second the Motion of the hon. Member for Cambridge, he could not but express his regret that the duty had not devolved on some one more competent than himself to deal with so difficult and important a question. In this House, in the presence of those who had devoted great abilities and years of study to the solution of social problems, he would much rather, when such questions were discussed, be a listener and a learner than a speaker. However, the subject had been so well introduced in the able speech of the hon. Member who preceded him that it was unnecessary for him to say much, and he trusted the

House would bear with the few observations he had to make. He thought that, whatever might be the issue of this debate, the discussion would have its uses. In the first place, he hoped that, by the statements which he expected to hear from the representatives of the great towns, and from those of the rural districts, a tolerably correct idea would be arrived at of the general requirements of the country with respect to emigration. In the next place, the Government would, he supposed, give some indication of its intentions with regard to this question, and even if they should be adverse to the Resolution, it was far better it should be known, as nothing increased discontent more than uncertainty and suspense. He thought it was not only desirable for the reasons he had mentioned that this subject should be thoroughly discussed, but that the discussion of it was imperatively necessary for reasons still more grave. The House—and, beyond the walls of the House, the whole nation—had just been hearing, with the utmost interest and attention, the eloquent exposition of the plans of Government with reference to the land tenures of Ireland and the great subject of education. There was no one who did not feel the importance of those subjects; but, in his judgment, they were of less urgency, as regarded the people of England, than this was. The settlement of the Irish land tenures would affect the people of England only indirectly, and though the improvements indicated in the Education Bill were of great value, the benefits they implied could be realized only after a long process. But even while he was speaking, it was a fact that hundreds of persons in this vast metropolis, and in the great towns throughout the country, were dying of a disease which the doctors called by various names, but which, in truth, was slow starvation, protracted by the doling out of an insufficient charity. Thousands of others were daily becoming demoralized by the want of employment, and by the operation of a law which blazoned abroad the necessities of those it relieved. He maintained, therefore, that this question was one of the utmost urgency. He said, too, that its magnitude was not to be measured by the number of persons who left these shores under the present system of emigration, unaided as it was by Government. He knew that some persons were inclined to reason about it in that way, and to think that because the general amount of emigration from this kingdom had subsided more than one-third since the time of the Irish Exodus, therefore there was no distress. But he would remind those persons that, while there had been a lull in the emigration movement in the ten years from 1858 to 1868, as compared with the preceding decade, there were now portentous symptoms of a corresponding rise. The number of English emigrants rose last year from 58,268, in 1868, to 90,416, the greatest number ever known, except in 1854. If any credence, then, was to be given to the emigration barometer, this was a clear proof of almost unparalleled distress. But, whatever the number, it was manifestly insufficient, for it left us with more than 1,000,000 of persons burdening the rates, and with at least another 1,000,000 who kept themselves above the necessity of asking relief only by the most desperate struggles. The provident societies had exhausted their resources in striving to keep the unemployed out of the workhouse. It was well known that the ironworkers alone had paid away £300,000 in the last three years with this object. Besides this frightful burden, we were left with an ever-increasing pressure of population, which augmented at the rate of 250,000 a year. There was every reason, too, to believe that the severity of this pressure would be intensified in a ratio out of proportion to the annual numerical increase of population. He said this because, as had been clearly proved, while our agricultural population was diminishing, that of our towns was rapidly increasing, and an urban population was especially exposed to the calamities which were occasioned by the competition and vicissitudes of trade. It was also a fact that by the substitution of pasture land for arable the productive powers of the country were fast decreasing. However, even if the question were looked at simply with regard to the number and the destination of our emigrants under the present system, he said that it was one which demanded instant consideration. Now, what was the actual number of those who emigrated under the present system? Notwithstanding the Returns of the Emigration Commissioners, it was by no means easy to reply with precision to that question. Those Returns were most valuable, especially since 1854, when the nationality of emigrants was first indicated. Until then, there was so much uncertainty about the figures that no argument founded on them was very safe. But we now knew that the Returns were swelled by a multitude of foreigners—Norwegians, Danes, and Germans, who, for convenience and economy, passed through England on their way to America. The number of such emigrants amounted last year to no fewer than 65,782. But, after deducting these, further corrections must be made for the emigrants who came back to this country. The number of these last year was 35,918; but as we did not know how many foreigners there were among them, or how long they stopped, the proper deduction could not be made. On the other hand, emigration to the Continent of Europe was not noticed in these Returns, and it was probable that large additions should be made on that account. Thus there were eighty-six emigrants who went from this country to Hamburg last year, and on to Venezuela, who were not reckoned in the Returns. Nor did the Returns notice the number of soldiers, sailors, and their families who passed and re-passed between England and the Colonies. The yearly fluctuations in the number of those persons were very considerable, and ought certainly to be recorded. For general purposes, however, and for the purpose of his argument, it would, perhaps, suffice to take the Return given by the Emigration Commissioners. The average number of emigrants, according to them, for the ten years from 1858 to 1868, had been 170,000; and, deducting foreigners, 150,000. Of these, about 50,000 were Irish, who nearly all went to the United States, being assisted out by the remittances of friends in that country. It would seem at once impolitic and impracticable to disturb this arrangement; but it was within our power to determine the destination of the remaining 100,000. As an emigrant to our Colonies contributed more to our trade returns than one to the United States—in the case of Australia ten times as much —the destination of this stream of 100,000 emigrants could not surely be a matter of indifference. But the political aspect of the question was still more important. To build up our Colonies was to construct fortresses for ourselves in all parts of the world; but to build up other nations was to assist in the aggrandizement of those who would be certainly rivals, and possibly enemies. Even under this view, then, the question of emigration was important; but its importance was immeasurably increased if we supposed that, by the aid of Government, with the co-operation of the Colonial Governments, the number of emigrants might, exclusive of Irish, be raised to that which it was, inclusive of Irish, from 1851 to 1854. In that case, the pressure from the increase of population would be at once removed, and the pressure of the rates would be alleviated. We might even gradually disburden ourselves of the superabundant population whom the re-action in commercial matters, when it came, would still leave unemployed. Now, what were the objections to the Government lending its aid in this matter? The first objection with which he should be met, he supposed, was that the Colonies could not absorb a larger number of emigrants than that which had already reached them. He should be told, perhaps, that though the immigration into Canada from all quarters had been about 60,000 for the last few years, and 72,000 last year, not more than 10,000 emigrants, and last year 12,000, had remained there. It was said that the cup being full the rest overflowed into the United States. He admitted the facts, but not the inference. The truth was that thousands of emigrants went to the western provinces of the United States, by way of Quebec and Toronto, because that route was 500 miles shorter, and also more convenient, than the route by New York and Hamilton. These persons never had any intention of remaining in the Dominion, and it was unfair to represent them as overflowing. But what did the Government of Canada itself say in this matter of emigration? It said, in the first place, that the following railways were in the course of construction within its territories:—Intercolonial—under an Imperial guarantee—500 miles; Canada Central, 50 miles; Midland Extension, 80 miles; Toronto and Nipissing, 90 miles; Toronto, Grey, and Bruce, 100 miles; Wellington, Grey, and Bruce, 80 miles—total, 900 miles. For these railways 40,000 labourers were this year required, who would be paid at the rate of 4*s.* 2*d.* a man per diem. Obviously, with such works under construction artizans would also be required. But for the immigration of families, and for the immigration of farm settlers, Canada opened a far wider field. The statement of its Commissioner was, that it could receive 100,000 families, or 500,000 persons, reckoning five persons to a family. In the free grant territory, north of Lake Ontario, there were forty-six townships, with 60,000 acres of land each. That grant alone could absorb 27,600 families, or 138,000 persons, allotting 100 acres to each family. There were besides, in other parts of the Dominion, vast tracts of land which could be had for a nominal payment. But he might be asked—"If this be so, how is it that so few emigrants have gone to Canada?" How did he reconcile those statements with the experience of former years? The answer was that the Government of that country was only just beginning to exert itself in earnest, and to afford real facilities to immigrants. It was but last year that a labour register was established. The Land Commissioner sent out interrogatories to more than 400 municipalities, and had already received 180 replies as to the amount and description of labour required by them. Canada was, now, prepared to convey emigrants from the port of landing to their free grants, and would receive from them payments in liquidation of advances. In short, a new era was commenced in Canada with respect to emigration. Were the Imperial Government to show the slightest interest in the matter, no doubt similar results would follow in Australia and the other Colonies. Australia, under a democratic Government, had for some years past closed her labour market against competition. But Australia had never been opposed to the immigration of farm settlers, and possessed unlimited capacities for their reception. Besides all these Colonies, there was India, where an experiment might well be tried. There were seven hill districts, where medical authorities alleged that Europeans could be located. The Government possessed the evidence given before the Committee of 1858, and knew that the objections there mentioned, as to want of communication, had been removed, but the Government remained passive. The objection, therefore, as to the want of absorbing power in the Colonies, was not a valid one. But it was said that it would be inexpedient to stimulate emigration, because our best workmen would leave us. He could imagine no objection more futile than that. The experience of every day refuted it. All experience proved that emigration was not a matter of choice, but necessity. Englishmen loved their country too well to wish to change it. It was necessity alone that drove them to settle abroad. Would that that necessity did not exist, and that the discovery of some new productive forces, or of some new modes of employment, would render it possible for the population of this country to go on increasing, with an increasing means of subsistence! If the Government could make such a discovery there was an end of the emigration question; but, until the discovery was made, discussion like the present must go on. But, with reference to emigration not being a matter of choice, he had heard a curious proof of the tenacity with which Englishmen clung to their native country. There was great distress some years ago at Bradford, and an urgent application was made to the Emigration Commissioners to remove 5,000 of the population. The Commissioners then received large remittances from the sale of Crown lands in the Colonies. They were able to meet the demand, and it was so urgent that they went down to meet it. They were astonished to find that out of the 5,000, not fifty were willing to go. But an everyday refutation of this objection was to be seen in the competition for appointments in India. The value of those appointments was well known; but the *élite* of the middle classes would not compete for them. He asked, then, if the *élite* of these classes could not be induced to go abroad by the certainty of a distinguished career and a large fortune, what reason was there to think that the *élite* of the classes below them would go forth to seek a precarious living in the Colonies when they were sure of a comfortable maintenance at home? There was a third objection, which in a time of such distress he was reluctant to mention. It had been said that "the labour fund was our national capital, and we must not part with any of it." The answer to that might be given in the words of John Stuart Mill —"Emigration is the safety-valve of the labour market." It might be added that it was better to be guided by the teaching of philanthropy than of political economy, or, rather, that their teaching was identical. It was admitted that the willing labour of a free man was far more valuable than that of a serf or a slave, and, *pari ratione*, the hearty labour of a well-fed contented man was worth far more than that of half-starved and discontented competitors. It seemed, therefore, both practicable and expedient, in default of some better measure, to raise emigration to a point at which it would counterbalance the increase of population and gradually reduce our burdens. It was not for him to make suggestions to Her Majesty's Government; but he ventured to think that the first thing to be done was to establish a permanent emigration department. That was no new proposition, for it was made by Mr. J. O'Connell in the debate of the 23rd of June, 1855. Mr. O'Connell wished to join such a department to the Board of Trade; but he himself thought it would be much better placed with the Poor Law Board, under a Minister of Labour. It might be formed of the Emigration Commissioners, with such a staff as they had when the Colonies paid the expense, and with an Assistant Secretary of State at the head of it. If a room was given in the office to the colonial agents, who were now scattered in different places, and if quarterly descriptive returns of persons desirous of emigrating were sent up from all the parishes in England, the information of the department would be complete, and its organization perfect. The next thing would, of course, be to provide the department with funds. In that, too, there was nothing new. The Emigration Commissioners once received £1,000,000 a year from the sale of Crown lands, and sent out by those funds 40,000 emigrants annually. It was for the Government to decide how those funds were to be replaced. It seemed to him that, at all events, the principle of Government aid had been conceded in the Irish Land Bill. If money was to be advanced to Irish tenants to purchase Irish estates on the security of those estates, why should it not be advanced to English settlers to purchase colonial lands, on the security of those lands? The Canadian Government recovered large sums every year on such security, and would, no doubt, undertake to recover advances made by the Imperial Government. It was a system which had been found successful at the Cape and in Australia, under proper arrangements; why not in Canada? One essential condition of success, of course, was that such advances should be restricted to families, and it was family emigration alone that could benefit this country. Before he concluded, he wished to remind the right hon. Gentleman the Prime Minister of some generous words he uttered in the debate of the 29th of May, 1840. He said—

> "He thought that so long as we retained the Colonies as receptacles for our surplus population we remained under strict obligation to provide for those who left our shores at least what semblance we could of British institutions, and a home as nearly as might be like that which emigrants had left, and to which they continued to retain a fond attachment."

It was now in the power of the right hon. Gentleman to provide such a home, and he hoped he might see his way to be guided by his own declaration. But, if not, let him remember the words of another Leader of his own party, spoken on April the 6th, 1843, in bringing forward a Resolution much like the present. Those words were—

> "The public look to colonization as affording a means of relief for our national difficulties; and it is a duty most binding on Her Majesty's Government, who alone can be the instrument of thoroughly sifting such matter, to prove whether that hope is sound or unsound; and either without delay to expose its want of truth, and clear it out from the public mind, as a delusion that can only do harm, or, seeing it to be sound, to take care that it shall be realized."

Motion made, and Question proposed,

> "That, in order to arrest the increase of Pauperism, and to relieve the distressed condition of the working classes, it is expedient that measures be adopted for facilitating the Emigration of poor families to British Colonies."—(*Mr. R. Torrens.*)

MR. MONSELL said, with the statement of his hon. Friend (Mr. R. Torrens), that there was at present great distress existing throughout the country, he quite agreed; but he could not agree with the hon. Gentleman opposite that the distress was at present unparalleled—[Mr. EASTWICK: I said almost unparalleled],—for he found that in 1863 a larger number of persons were receiving Poor Law relief than at present; and it was a remarkable fact that during nine years of the last twenty years the proportion between pauperism and population was greater than it was at the present moment. Still the distress was no doubt great, and must excite the warmest sympathy. The effects of the calamities of 1866 were still felt, especially in the metropolis. Neither could he in any way find fault with the statement made by his hon. Friend as to the importance of our Colonies and the importance of increasing the number of our colonists. It was one of our proudest boasts that we had girdled the earth with so many communities of our own race, and it must be our desire that these communities should increase in power, in population, and in prosperity. Having said so much, however, upon points as to which he agreed with his hon. Friend, he must now take exception to some of his statements. This was the first time for twenty-two years that this question had been raised in this House. The question occupied the mind of the country and of the House for many years anterior to the year 1847. It was taken up by the ablest men in the country. It had since remained dead, and disappeared from the minds of the Legislature. And why did it die? How was it that the question then passed from the minds of the nation? Because then it was seen what effect would be produced by leaving emigration to natural causes. Because a greater number of emigrants went forth from this country by voluntary efforts than the fondest advocates of State aid to emigration thought could be done through those means. His hon. Friend had not quite appreciated the difficulty of his position in a resuscitation of a dead project, because he had not met the difficulty which must have occurred to the mind of everybody in carrying out a system of State emigration. What did he, with his colonial experience, say as to the feeling of the colonists on this subject? He described the sort of persons whom he meant to send away. Did he, an old Australian colonist, believe for an instant that these persons would be willingly received in the Australian Colonies, and that, if we attempted to send them, we should not find another question like the convict question rise up to disturb the relations between this country and Australia? On this point he was able to furnish the House with reliable evidence, having received from a gentleman of great intelligence and ability, Mr. Verdon, an agent for the Colony of Victoria, an account of an interview between his right hon. Friend the President of the Poor Law Board and the representatives of the Australian Colonies within the last few days. In this account it was stated that—

> "All the agents present expressed a very strong opinion against pauper emigration of any sort, and under any circumstances; and I pointed out"—said Mr. Verdon—"that this was not merely an arbitrary objection, but was founded upon reason and experience; and although in many cases resort to parish relief might be a hard necessity, as a rule the condition of a pauper and unfitness for colonial life would be found very near together."

From other trustworthy sources, he (Mr. Monsell) heard that the feeling of the Australian Colonies was unanimous on this subject. "We will take none," they said, "but the very best emigrants." But whom did his hon. Friend propose to send out? Not the most skilled labourers; not men at present employed; but those who had lost their employment, and, therefore, were not the best workmen. The Australian Colonies said—"We do not want your assistance. We are ready to pay for any emigrants we want." Nor was this a vain boast. It was a good financial operation for the Australian Colonies to bring out the best possible emigrants. He had in his hand a Return showing the Customs' revenue of the Colony of Queensland, and the average of that revenue per head of the population during seven years, and the Customs' receipts varied from £2 3*s.* 9*d.* to £2 8*s.*; the average for the seven years being £2 6*s.* 4*d.* per head. Therefore, for every £15 spent in bringing out an emigrant the colonial revenue profited to the extent of £2 6*s.* a year—a financial result which was so satisfactory that whenever the Colony wanted emigrants it would certainly get them for itself, and therefore get the best it could procure. So far, then, as the Australian Colonies were concerned, there was no reason to interfere with them. Our Colonies had the full disposal of their own lands. It had been stated that this power had been given to them without the knowledge of that House; but that was a mistake, for Canada and the Australian Legislatures had received this power through an Act of the Imperial Parliament, which at the time excited considerable attention. The latter Colonies, being ready to pay for emigration, had a right to choose whatever emigrants they desired, and unless we wanted to quarrel with them, and to sever the bonds of sympathy which united them with the mother country, we could not compel them to receive an inferior class of emigrants, or to use what would probably be their form of expression, to have our pauperism shovelled out upon them. Their appointment of colonial agents in this country was due to an unfounded fear that our Emigration Commissioners, who had done their work so admirably would select emigrants having regard rather to the persons we desired to get rid of than to the persons they desired to have. But the fact was that at present the Australian Legislatures showed no great desire to get emigrants at all. In South Australia, for example, one-third of the proceeds of the land revenue had been set apart for purposes of immigration, and £500,000 should be at present in the public treasury for that purpose; but a Bill had passed the House of Assembly three times, the object of which was to appropriate this money permanently to other purposes. In New South Wales a Bill was introduced last year for the purpose of promoting immigration, but it did not even reach a second reading. In Queensland the inducements offered by the State to emigrants were being diminished instead of being increased, while in Victoria—though he believed that there something more was now to be done for emigration—the only persons received were female servants and those who obtained passages by means of their friends in the Colony. In Canada, such was the fear of pauper emigration, that last Session special power was given to the Governor to prevent the reception of pauper emigrants, and heavy fines were imposed on all those who attempted to bring them. The influx of emigrants from Canada into the United States—of emigrants who went there from this country must also be remembered. A very large proportion of the emigrants who left this country for Canada during the years 1866, 1867, and 1868 went on to the United States, after merely remaining in Canada for a short time, and he had been told by Lord Monck that during one year, when he was Governor General, 24,500 emigrants went from this country to Canada, almost all of whom went on to the United States. But with regard to emigration to Canada —for it was to that country they must look if any attempt were made to carry out the proposal which had been offered to the House—he must call the attention of his hon. Friend to the circumstances which happened in 1847 and 1848, and tested the comparative merits of free and of State-aided emigration. The circumstances under which the experiment of those years was tried were remarkable, and Lord Grey, who was then the Colonial Minister, expressed himself strongly in favour of endeavouring to discover some scheme by which aided emigration might be carried out, and he wrote to Lord Elgin to say that if he should be able to arrange a plan neither the Ministry nor Parliament would be slow to sanction the outlay necessary for the furtherance of such an object. The Government of Lord Russell was willing to adopt a proposal similar to that which had been made to the House by his hon. Friend. What was the result? What Sir Robert Peel expected to do by means of State-aided emigration was to send 35,000 persons per annum to the Colonies, and that they, by keeping up their relations with their families at home, should form a nucleus to which other persons would be attracted. What was effected by emigration free and unsupported by the State? Between 1847 and 1854, 2,077,317 emigrants went to North America at a cost of more than £8,000,000, of which sum not a shilling was contributed by the public treasury. It came all out of private resources. That gigantic work was done by the State leaving emigration alone. Did his hon. Friend imagine that sum would have been subscribed by persons who knew that they could get the State to aid them? Did his hon. Friend conceive that the poor Irish who went over to America and half starved themselves, or at all events denied themselves many comforts, for the purpose of saving money to pay for the emigration of their friends, would have contributed anything had they known that by dragging at the public coffers they would be able to procure the money? It was perfectly obvious that a choice between the two plans must be made. There could not be both State-aided and private emigration. Persons would never contribute money if they knew they could get it from the State, and therefore the House must face the fact that by adopting such a scheme as the one which had been proposed they would put an end to a source for promoting emigration far more prolific than any which could be substituted. They would make an artificial rill, that would arrest the flow of the mighty stream which had been swelling for many years, unaided by anything but private benevolence and private exertion. His hon. Friend had proposed to raise some of the money by rates. There existed in Ireland an admirable and complete system of allowing Boards of Guardians to borrow money for emigration purposes. Yet, notwithstanding the gigantic emigration which has been going on, only £125,000 had thus been raised, by means of which 26,000 persons had been sent out, although in the same period nearly 3,000,000 had emigrated by the ordinary means. What effect was his hon. Friend's proposal likely to produce on the people of this country? If the Government offered to find money or work for all who were unemployed or in distress, it would be a great curse, because it would hold out the highest possible premium to indolence, and would lead multitudes of people to qualify themselves by that means for participating in emigration. For these reasons it was impossible that the Government could agree to the proposition which had been made. He had hitherto been speaking with reference to the Colonial Office, but he must add a word as an Irishman, for an enormous sum of money had been spent by Irishmen. About £15,000,000 had been wrung from the pockets of the poor in paying for that emigration which had been carried out on so gigantic a scale. Would restitution be made to them? Would his hon. Friend propose to pay back the money which, if his principle were correct, the State ought to have paid? He protested against his hon. Friend's scheme; but if any such scheme were carried out, he, as an Irishman, ventured to claim the share which Ireland ought to have in it. There were in that country many who were in sad distress, upon whom no ray of hope ever shone from the cradle to the grave, and he was sorry to believe that they exceeded in number those who were unemployed in London. They must have their share in any grant which Parliament might make, if it was so unwise as to make one, and those who have already paid for their own passages, would have an equitable claim to be recouped the money they had already paid. He objected to his hon. Friend's proposal also because he believed that the effect would injuriously affect the minds and character of the people of this country. It would lead to disputes with the Colonies, with which all desired to maintain close and friendly relations. Above all, it would at once dry up those unexhaustible sources of free and voluntary emigation which had wrought such great things in Ireland, and would, if occasion required, work great things for England also—results which it was impossible to conceive could be attained by any system of State-supported emigration.

LORD GEORGE HAMILTON said, that he felt it to be impossible to continue silent after the very unsatisfactory answer that had just been given by the Under Secretary for the Colonies. He believed that on both sides of the House general regret was felt that the Government had introduced no reference in the Speech from the Throne to the distress now prevailing among the working classes, because as the omission could not have been owing to want of knowledge on the subject, the unfortunate impression had been occasioned that it was attributable to want of sympathy. He did not think that the speech of the right hon. Gentleman would tend to remove that impression. The right hon. Gentleman had talked about the desire on the part of some persons to shovel the paupers out of the country; but he (Lord George Hamilton) was aware of no such intention. Now, what were the objections to the proposal? The first was that emigration should be self-supporting. It was said that twenty-two years ago a scheme of State emigration was brought before the House which had never been revived since then. But why was it brought forward at the time? Because then there was an unparalleled amount of distress in the country, there was a famine in Ireland, and our trade was in a most depressed condition, though if we were implicitly to believe the doctrines of the Manchester School, the result of the Free Trade policy that had been adopted ought to be such that there would be two employers looking for one man. On a recent occasion, in reference to the Civil Service, the right hon. Gentleman at the head of the Government had declared that it was necessary for two men to fail in order that one should succeed; and the right hon. Gentleman the Under Secretary for the Colonies appeared in the same manner to hold that it was necessary for two men to starve in order that one man should obtain work. Now, the real gravity of this question was not improved in the circumstance—though that was appalling enough—that 1,000,000 persons in this kingdom were now receiving poor relief, and that the number was daily increasing; for it must never be forgotten that there was another 1,000,000 of persons just on the borders of pauperism—persons who could not obtain employment, who were drifting towards destitution, and who, sooner or later, must succumb, unless the Government stretched out its hand for their assistance. The working of the present system had been well described in a sentence by the late Under Secretary for the Colonies (Sir Charles Adderley) in his recent pamphlet, where, speaking of the persons receiving poor relief, he said—these persons, not having emigrated, have become paupers, and now having "become paupers they cannot emigrate." That was a state of things that called for Government interference. To argue the question upon the lowest consideration only, it was evident that the social order and peace of the country could not but be endangered by such a system. If they persisted in cooping up a vast mass of men who could find no means of subsistence, schemes would inevitably spring up among them such as—to say the least—no rich man could look upon with favour. He had observed, for example, that at a meeting of the unemployed which was held the previous night in London, there was a proposition to deal in a somewhat peculiar way with a noble Duke who had property in Scotland. Among the objections frequently advanced against those who supported emigration was this—that they would force the people to leave this country, instead of endeavouring so to develop our resources that employment might be found for them at home. But he would point out that, in so highly civilized and old established a community as ours, the process of developing our resources must be a slow one; whereas, on the other hand, there were millions of acres of unoccupied land in our Colonies waiting to be cultivated, and capable of richly repaying any labour that might be applied to them. It was said, again, that the emigration movement required no assistance from the State, but was capable of supporting itself in dimensions fully equal to the occasion; and, in support of that theory, it was alleged that during the last quarter of a century 5,000,000 persons had left our shores. It was forgotten, however, that the first stimulus to that great movement was given by the landlords of Ireland, who finding—during the famine and afterwards—that the country was swarming with a dense population, combined together, and did that which the Government were now asked to do. They caused the first flowing of the tide of emigration which had ever since sustained itself—it being a well-known fact that not less than £15,000,000 had been sent to Ireland by emigrants for the purpose of enabling their friends and relatives to follow them. That was one of the strongest reasons why the Government should do something of the same kind now. He thought, moreover, that State grants for this purpose should be given quite irrespectively of the Poor Law, and for this reason; he remembered last year that an hon. Gentleman opposite (Mr. Rathbone), in a very able speech, had declared that the result of his experience was that the local rates fell upon the poorer classes in an inverse ratio to their income; in other words, that the poor paid in proportion much more than the rich. They knew also that at the present moment so unequal was the pressure of local taxation—so heavy was its burden on the poor man—that it was the intention of the President of the Poor Law Board to introduce a Bill for the equalization of poor rates in the metropolis. If, therefore, emigration was to be supported by funds taken out of the local rates, the result would obviously be that under the present system the poorest parishes that were already staggering under the load of pauperism, would be called upon to contribute in an undue proportion to its relief. He hoped, therefore, that if State assistance was given, it would be from the Consolidated Fund, and not from the local rates. It had been said, again, that the proposal to apply the public resources to the aid of emigration was contrary to the first principles of political economy. Now, during his short experience of the House he had always found that when a Gentleman had no other objection to urge he always resorted to the first principles of political economy. But the same principles of political economy which would allow the Government to advance money to Irish tenants to enable them to purchase their landlords' property would justify them in advancing money to enable poor men to better their condition. Though he had a sincere sympathy with people in Ireland who were ill-treated by their landlords, he felt that the case now before the House was ten times stronger than that of those gentlemen who wished to translate themselves from occupiers to landowners. No doubt great practical difficulties would have to be encountered in dealing with the question of emigration; but the broad facts were these—Surplus capital in this country and surplus labour—in the Colonies, an unlimited number of acres; and the problem was how to avail ourselves of them. He did not propose to occupy a moment in discussing the details of the scheme; but he must say that he saw no reason why the emigrants, in combination, perhaps, with the Colonies, should not be able to offer, in return for State advances, security quite as good as any that the Government was likely to obtain from Irish tenants. For, if gentlemen recalled their past experience, they would probably come to the conclusion that there was scarcely that reverence for life and property in Ireland which would lead one to believe that tenants would pay the money advanced to them any more than in old times they paid the tithes, and hon. Gentlemen knew what difficulty there was in collecting the tithe rent-charge. It was not fair to assume if Government advanced to the emigrant money for which he gave a promissory note, and for which the Colonies might become partly responsible, he would refuse to pay directly he became prosperous. Whether the best or the worst labourers emigrated was, in his opinion, of very little importance, because once a vacuum was created in the labour market there would be a wholesome competition throughout the country, and if they gave the facilities for education which all hoped they were about do, there would soon be quite as good a class of labourers in the country as at present. The Government admitted the sole reason for interfering in the case of Ireland was that owing to the undue competition for land the tenant was not able to contract on fair terms with his landlord. He did not think that any gentleman would wish that the vast mass of labourers should be kept in this country in order that manufacturers might be able to get labour cheap, and so make larger profits than would otherwise be possible. Another consideration that should be taken into account was this, that by aiding emigration ties would be created between the Colonies and this country which would strengthen our position. At the present moment the ties which bound our Colonies to us were drawn so tight that experienced judges told us that a little more tension would break them. Now, if we enabled a man to emigrate, this man, remembering that the State had assisted him in his hour of need, would depart with kindly feelings, which he would communicate to those with whom he might come into contact, and thus the Colonies would be bound to us by the strongest ties of all—love and affection. He had only risen because the answer given by the right hon. Gentleman appeared to him to be so unsatisfactory. He would conclude by thanking the House for the indulgent hearing which they had accorded him, and expressing his opinion that any Government which could succeed in solving the social problem of procuring employment for those of our population who were in distress and unable to obtain work would be deserving of the best thanks of this country; because we should then have the satisfaction of knowing that out of the very materials which in England had caused at times so much anxiety and alarm we were developing ties which would tend to weld this Empire in a firmer and stronger union, and to open up the resources of those countries the future destiny of which he believed to be as great, if not greater, than our own.

Mr. SINCLAIR AYTOUN, believing that emigration would provide the means of relieving much of the distress which existed in this country, as well as of obtaining other objects of national importance, had a difficulty in understanding many of the objections which were urged against affording State assistance. One especially—that State assistance in this direction would be founded upon, or, at all events, recognize, the communistic principle—he regarded as extraordinary, and in the highest degree irrational in a country where the Poor Law was based upon the principle that the possession of property entailed the duty of contributing towards the support of those who were unable to obtain work. Those who believed that it was an adoption of the communistic principle to afford an assistance which would have the effect of to a great extent relieving the poor rates, appeared to think that they were utterly discarding the principle in paying a much larger sum to maintain those who could not obtain work, and frequently their families as well. Again, it was said that it was injurious to the interests of this country to send away the best of our workmen, and that the Colonies would not have our worst; but it was evident that the best only could emigrate under the voluntary principle, for they alone could find the necessary means, while under the present system the men who left our shores were, for the most part, young and unmarried. The Emigration Returns for 1865, 1866, and 1867 showed an excess of 42,000 men each year over the number of women who emigrated, so that now the tendency was to drain the country of its healthier and more vigorous blood and to leave behind those who could not work. Then, it was said that they could not send paupers to the Colonies. But, on the other hand, it must be remembered it was possible to relieve the labour market, although paupers were not sent, because it was obvious that if in a particular district there were 1,050 persons, and employment for no more than 1,000, and that, in consequence, fifty were on the parish, you could abolish pauperism by providing for the emigration of fifty of the workmen, and by thus furnishing employment for the fifty paupers. Besides, it was too often assumed that there existed no class between paupers and excellent workmen, whereas no opinion could be more unfounded. When, too, it was urged that emigration, after all, could only be a temporary remedy for over-population, those who employed that argument could scarcely have looked into the extent of the unoccupied lands in America and our Colonies — lands which could accommodate and afford support for the surplus population of all Europe for the next fifty, possibly for 100, years to come. The idea that State assistance would lead to the utter cessation of voluntary emigration was entirely fallacious, for it would be easy enough to apportion this assistance to the necessities of the people, and to extend it only to cases where the means of emigrating could not otherwise be obtained. If, too, it was our duty to assist the Colonies in their defence, we could not do it better than by furthering emigration, for by this means we could render them more service than by sending them soldiers. It had been calculated that, in European countries, for every 100,000 of population 1,000 were under arms; and, if that were the case, the power of self-defence would be of vast incidental advantage connected with increased emigration. He thought, moreover, that the advantages of increasing our markets had hardly been sufficiently considered. It had long been the custom of the Government to establish most expensive military stations in China, in Japan, and wherever else there was an opportunity of doing so, for the purpose, as it was said, of opening up those countries to our manufactures, and providing outlets for the productive industry. If by giving a certain amount of assistance to emigration we could cause a portion of that emigration which went to the United States to flow into our own Colonies we should be doing much to stimulate an increased consumption of our goods of home manufacture. The Under Secretary for the Colonies, in replying to the speeches which had been made, began by saying that the distress now prevailing was not altogether unparalleled, that things had been as bad before. But surely that was a very weak argument; for if distress existed it was our duty to endeavour to diminish it; and then the maxim that, because this subject had occupied the attention of Parliament before, it was therefore unworthy of attention now, was not less extraordinary. Last year a Bill was carried for disestablishing the Irish Church, notwithstanding that the question had been raised thirty years before under the Government of Earl Grey, and that in the meantime the question had been allowed to slumber. The right hon. Gentleman's argument, that State assistance would put a stop to emigration at the cost of individuals themselves, had been satisfactorily disposed of by the noble Lord the Member for Middlesex (Lord George Hamilton). And as to the supposed danger of demoralizing the country, and encouraging the idle, by giving assistance to emigration, he was at a loss to conceive how it could be said that it was offering a premium to idleness to remove a man from a country where the law provided for his relief to a country where he must work or starve. The Motion, he feared, had not many supporters on that (the Ministerial) side of the House but he begged, nevertheless, to express his approval of it.

Mr. MACFIE, while thanking the hon. Member for Cambridge (Mr. R. Torrens) for introducing this subject to the notice of the House, than which none, perhaps, was of greater importance, could not support the Motion. Had his proposition been for a Select Committee to inquire into the subject he would have supported it heartily, and he thought that Her Majesty's Government would have done the same. The reason assigned for the Motion was entirely of a selfish nature, connected with the interests of their own country; but the higher ground on which to proceed would be the welfare of the Colonies. Every stout-grown man sent out to the Colonies was, if it were legitimate to measure by a money standard, a gift equivalent in money value to £500. This was a gain which the Colonies obtaining it might well pay for. He trusted that the time was coming when Her Majesty's Government would take up the question of the unification and consolidation of the British Empire; and if that scheme could be carried out it would then be the earnest desire of all to spare some of the best men at home that they might increase the population of the Colonies and the power of a Britannic Empire.

Mr. J. G. TALBOT said, that if that Motion were pressed to a division he should give his support to the hon. Gentleman opposite (Mr. R. Torrens). He did not wish, however, to be pledged to the interpretation which the right hon. Gentleman the Under Secretary for the Colonies had placed upon that Motion. He did not think that its intention was to demand from the Government a system of complete aid to emigration. What was asked was, that, in the first place, Government should take the matter into their consideration, and next, that if they found that it was in their power to do so they should assist the emigration by giving to it the direction which they most wished to encourage. Those were the grounds upon which he intended to give his support to the Motion. At the same time he thought that the hon. Gentleman (Mr. R. Torrens) deserved the thanks of this House, of the country, and even of Her Majesty's Government, for having brought that subject forward. It certainly was to be regretted that, a second Session of the Reformed Parliament having now been devoted to measures affecting the welfare of the sister country, Her Majesty's Government had not seen their way to recognize the great, and, he feared, not diminishing distress which prevailed, and in a marked manner, throughout the metropolitan area. He was not about to make a party speech, and he should make the same appeal to his own political Friends if they were in power; but he could not conceal from himself that the distress now exisiting had been aggravated, if it had not to a great extent been caused, by the measures of the Government. It was unfortunate, to say the least, that at a time of great commercial depression Her Majesty's Government had felt themselves constrained, on the one hand, to dismiss so many men, and, on the other, to take no notice of the extent of the distress. In foreign countries, in times of distress, it was the custom to create public works for the relief of distressed artizans. That was not our policy in this country; we thought it undesirable to create employment in that manner. But surely it was questionable policy, to say the least, in time of general and sore distress, actually to decrease the amount of Government employment? It was most unfortunate that Government establishments were forced to be closed at such a time, and he feared it would be found that many of the reductions had been made somewhat hastily. In the borough represented by the right hon. Gentleman at the head of the Government (Greenwich) — the representation of which he, as one of the Members for the County, might claim to share — there was an amount of distress existing which must go to the heart of every feeling man. He had received a letter from the Rector of Woolwich, from which the House, perhaps, would allow him to read two short extracts. He had asked the rector to be kind enough to tell him what was the feeling in the parish on the subject of emigration, and the reply he received was in these words—

> "I have no difficulty in assuring you that the distress arising from want of employment is great in Woolwich and Plumstead. There are hundreds of men—artizans and labourers—who are at this moment in a sad state of poverty, many of them having been without any permanent employment since March, 1869, and in some instances for a longer period than that. I know many poor fellows who have been wandering about in unsuccessful search of work half over the country, leaving their wives and families in the meantime in great want, of course. As to the desire of numbers of these men and their families to emigrate to the Colonies, I need only to refer to a public meeting held at our Town Hall on the 7th of February, to consider and afford information on the subject of emigration. The subject was one of so much interest that the meeting was so crowded by working men that numbers were unable to obtain admission. I was obliged to tell them, much to their disappointment, that the British and Colonial Emigration Fund could only assist those to emigrate to Canada who could help themselves to the extent of £3 per statute adult. But it was arranged that the names of all those who were desirous of emigrating should be taken down, in the hope that some means might be found during the summer of obtaining a passage for them. Since the meeting there have been but two days—two Tuesdays—on which names have been received; but already we have on the list 566 statute adults, but of this number there are only sixteen men, making with their wives and families forty-nine statute adults, who can pay £3 per head. The rest, though most anxious to emigrate, have been so long out of work that they are utterly unable to help themselves at all, and of those few who have promised to find the money required I believe that nearly all have been able to obtain half from relatives and friends better off than themselves."

He had troubled the House with this extract, because he thought this was a matter for grave consideration by Government; and he hoped they would hear from the Treasury Bench, ere the debate closed, a somewhat more satisfactory reply than they had heard from the right hon. Gentleman the Under Secretary for the Colonies. He had asked a Question of the President of the Poor Law Board, on a previous occasion, as to the great distress prevailing in the metropolis; and he was answered somewhat warmly—though he would not complain of that—because he knew the right hon. Gentleman's attention was constantly directed to the subject; but he asked the Question partly for this reason—that he thought it desirable it should not go forth to the country that the attention of the governing class was not directed to the distress which existed. This was not a question of party; but they might depend upon it that it would be of very grave consequence to the country if it should ever be thought that those to whom the Government was entrusted had no sympathy with the sufferings of the lower portion of the population. He did not say that this was the feeling of the Gentlemen who sat on the Treasury Bench; he knew far other feelings animated their breasts. But he could not forget that the present Government came into Office pledged to that system of economy and retrenchment in the carrying out of which they had unfortunately been somewhat too hasty. He knew that the Chancellor of the Exchequer was imperious in his demands, and that the First Lord of the Admiralty and the Secretary of State for War could hardly venture in their Estimates to go beyond a certain limit—trembling, no doubt, under the lash of their right hon. Colleague. But, however this might be, he hoped before the discussion closed they would receive a declaration from the head of the Government which would be satisfactory to the country. He could not help thinking that the Under Secretary had been somewhat illogical in his objections to the present Motion. He said those proposed as emigrants would not be received by the Colonies, because they were paupers or nearly so, and then he exhorted them not to send out of the country the *élite* of the working classes. Then, again, the right hon. Gentleman said—"Don't let us be called on to adopt State measures of emigration, but rather let us call forth voluntary effort." He hoped that would be remembered when they came to discuss the education measure of the Vice President of the Council. For his own part he supported that measure because he believed it would assist voluntary effort. But they were not asking for a Government emigration scheme; nobody supposed that the Government should provide the whole cost of a system of emigration; they were only asked to aid voluntary efforts, and they certainly ought to inquire into the great and alarming distress which prevailed in a great portion of the community.

Mr. MELLY, having been returned to that House without opposition by 21,000 electors, almost entirely of the working class, wished to say a few words on a question which touched them deeply. In reply to the noble Lord (Lord George Hamilton) and the hon. Member for West Kent (Mr. Talbot), he was not one of those who missed from the Royal Speech those expressions of vague and unmeaning sympathy which seemed to be made so much of on the other side. He rather thought that a Ministry pledged to education which would remove ignorance, to a revision of the licensing system which would remove intemperance, and to legislation in connection with trades unions which would possibly lead to free emigration and to free labour, had shown in the most salutary manner their sympathy with distress and their determination to meet it in the most legitimate and efficacious manner. What was it that the Government were really asked to do? No reply had been given to that question but one of the most vague character. One Member's speech pointed to the emigration of 10,000 families of agricultural labourers at £40 per family, paid by local rates, in which case the next parish would fill the vacuum. Another Member spoke of a pauper emigration, organized and paid for by the Government out of the Consolidated Fund; a third hon. Member suggested the emigration of skilled workmen now unemployed. But the distress in the East-end of London was really the motive power of this agitation. He repudiated the charge that those who sat on that side of the House were insensible to the misery and degradation which existed in the East-end of London; but he contended that the cause of that misery was not any retrenchments on the part of the Government, but the reckless overtrading of the mercantile classes and the improvidence of the working classes. Bubble companies, heralded by prospectuses bearing the names of noble Lords and trusted City men, set on foot works which were not wanted, and could not pay. The crash of '65-66 came, and tens of thousands of workmen whom they, the mercantile middle class, had tempted by high wages to come there, were thrown out of employment. London became the receptacle of the pauperism rather than the storehouse of the wealth of the country. But during those years of plenty—it was a hard saying, and he spoke the truth in all sympathy and affection—the improvidence of the workman was as conspicuous as the overtrading of the employer. The average sum consumed in drink by every man, woman, and child was stated at £3 8*s*. per annum. A saving of only a part of this during the seven years of prosperity would to-day have paid the passages of thousands across the Atlantic. He thought the speech of the Under Secretary for the Colonies unanswerable. The principle of free emigration was this—that men, who by intelligence, sobriety, industry, and perseverance had saved a large portion of the necessary funds to enable them to cross the Atlantic, had already made themselves colonists whom the Colonies wished to receive. Such men knew where they were going; they were in communication with friends on the other side who were ready to receive them; but if the Government stepped in and, by loans or land, induced emigrants to take a line different from that they had prescribed to themselves, Government became responsible for their success. It was not all plain sailing; there were still "Gardens of Eden" in the far West; many "Martin Chuzzlewits," who failed, though on the present principle of natural selection many more "Mark Tapleys" who succeeded. They were asked not only to assist a new class, but to direct the present 100,000 free emigrants. It was actually proposed that the Government should direct the emigration of these 100,000 persons, by inducing them to emigrate to our Colonies instead of to the United States. Was Her Majesty's Government prepared to take the responsibility of such a step? They must remember that the Government would be responsible for the success of those men. It was said that the Colonies would be glad to receive these 100,000 persons; but would the Government undertake the responsibility of sending them out? If they did so, they ought to send out with them the President of the Poor Law Board and a staff of officials to look after them. The propositions of hon. Gentlemen were veiled in language so vague that no one could see to what they pointed, except to unsettle the emigration societies and the minds of all persons on the other side of the world who were assisting emigration. An hon. Member truly said that emigration was the safety-valve of labour; but the principle of the safety-valve was self-action. These proposals recklessly to interfere with great economic problems which were solving themselves were a cruel kindness. Such discussions would tend to the unsettlement of the minds of many thousands who were endeavouring, by a life of prudence and industry, to save the means for free emigration—of many hundreds who were daily remitting money to relatives and friends on this side. Now, if they were to tell the working classes what they believed to be in a large measure the cause of their distress, it was their duty to tell them, though with all sympathy, that if they had a perfect system of free labour in this country, they would not want State aid to enable them to leave it. It was the duty of the Government to bring forward measures of education, to remove temptations as far as possible from the path of the working man, and to abolish everything that impeded the free flow of labour from one part of the country to another. But when he heard that large employers of labour were forced to suspend their building operations in consequence of trade disputes—when he learned that private shipbuilders were transferring their establishments to other parts of the world, while working men were prevented from accepting a reduction of wages on account of their trade rules—then he must say that he would much rather see those laws altered than Canada peopled with men who, after all, would not make the best ploughmen or tillers of the soil. When he found the miners of Staffordshire, who had gone with their wives and families into Yorkshire, to Thorncliffe, to sell their labour, which was their only capital, at their own price, and when he found—he cared not what was the original cause of the dispute—the houses of these men sacked, and their wives and children turned naked into the streets, he thought this was the question to which Government ought rather to turn their serious attention. He would be inclined to move an Amendment to the Resolution to the effect that it was rather the duty of Her Majesty's Government to press forward measures for reducing taxation, for freeing trade from restrictions, and for allowing the free migration of labour from one part of the country to another, than to spend the money of the taxpayers in sending men to Colonies that did not want them, and where they were least likely to succeed.

MR. T. CHAMBERS said, he thought that if the head of the Government would read the Resolution of the hon. Member for Cambridge (Mr. R. Torrens) he would see that the arguments of the Under Secretary for the Colonies constituted no answer to it whatever. It was quite true that the prevailing distress was not unparalleled, but that circumstance only proved that the disease was chronic. He agreed with much that had been said by the hon. Member who had just sat down as to the causes of the present state of things, but he did not see that it was at all pertinent to the question. The sad mismanagement of mercantile affairs in 1866, and the miserable doings of trades unions, which were destructive of the interests of the working-men, must be lamented. But the difficulty of their present position was, that they were called to contend with a chronic and a growing evil; and their business was to find a remedy for it. Was it possible for anybody to object to the first part of the Resolution now before the House, which declared—

> "The expediency of emigration as a means of relieving the distressed condition of the working classes, and staying the increase of pauperism ?"

The second part of the Motion consisted of a Resolution to the effect that—

> "In order to arrest the increase of Pauperism, and to relieve the distressed condition of the working classes, it is expedient that measures be adopted for facilitating the Emigration of poor families to British Colonies."

The right hon. Gentleman himself did not deny that emigration would be a good means of relieving the distress. Did the Resolution propose that emigration should be pursued in such a way as to pauperize and demoralize the country ? That was the evil which the Under Secretary for the Colonies set himself to resist, but there was no such thing suggested or involved in the Resolution. It was only intended that the Government should afford facilities for the emigration of poor families; and for the last fifty years the Government had been in the habit of affording facilities for the adoption of measures of various kinds touching the social condition of the people, which were then better carried out than they were before the facilities were offered. If he had any fault to find with the Resolution, it was that the terms were rather vague; but it would not be possible, or even becoming that an independent Member should prescribe a definite scheme to the Government. He did not agree with the hon. Member for Kent (Mr. J. G. Talbot) that the Government were to blame for the reductions they had carried out in the dockyards; but yet it was an additional reason why they should give their attention to this question, and endeavour to devise a safe and steady flow of emigration in a way that would not demoralize, but would improve the people. In the speech of the Under Secretary for the Colonies there was not one suggestion of a remedy, and the right hon. Gentleman could only say that the evil was not without a parallel. He (Mr. T. Chambers) thought this was a question that ought not to be postponed. The greater the weight and muscle of a man was the more dangerous he was to society, if he could not find employment. A man had a right to be discontented, nay he was bound to be discontented if he could not get work. He did not say that he had a right to be disaffected or disloyal; but they who being unable to obtain the means of livelihood for their wives and children, could yet sit down content under those circumstances were very ill-conditioned individuals. But most men would be discontented in a situation of that kind, and, therefore, they should be removed from a spot where they constituted a peril to a place where they could be a strength, an honour, and an advantage to themselves and others. He hoped that before this debate closed some other Member of the Government would rise and afford the House and the country some ray of hope—some word of cheer and guidance on this great question.

Mr. MUNTZ said, his objection to the Resolution was, that it would lead to false hopes that could never be realized. Every one who had spoken in favour of emigration seemed to suppose that when the emigrant was landed on the shores of Canada or Australia, all would be bliss and happiness, and that his path was clear for the future. There could not be a greater mistake. He would appeal to any Gentleman who knew anything of emigration, whether it was not the fact that thousands died of fever and want in the United States or in Canada. Some hon. Gentlemen talked of young persons emigrating. To his mind the saddest sight of all was to see women and young children emigrating to the snows of Canada or the back settlements of the United States where they perished in thousands. The Government would incur such immense responsibility by adopting any measure to accelerate emigration that he viewed with alarm the adoption of the Motion. What was to be done? Was it understood that the Government were to provide for the wants of these people, or was it merely to land them at Melbourne, Sydney, or Quebec? If the emigrants were landed without any other provision being made, great suffering must be the inevitable result. If the Government were to send out paupers the colonists would not have them. If they were not paupers then five-sixths of them would leave the British dominions altogether, and go over to the United States. Already they found that every mill and factory in the United States was filled with skilled labourers from this country, and even in Australia they had set up factories, where the Colony was supplied with goods, instead of buying from us, and even levied duties of 10 per cent on all the goods we sent them. The emigration of our skilled workmen to the United States would even be attended with worse results, because they would gradually become American citizens instead of British subjects, and in this way they would be lost to this country for ever. For these reasons he objected to the Resolution, which, he feared, would hold out expectations that could not be realized, and would deter those who could afford to emigrate from doing so at their own expense, in the hope that they would receive Government aid.

Mr. KINNAIRD said, that the speech of the Under Secretary for the Colonies would lead them to infer that they were left without the teaching of experience in the matter of emigration, and therefore he would remind the House of the good results which had followed from it at the time of the famine in Ireland, and also in the case of the Highlanders who, in consequence of the evictions in the North of Scotland, had emigrated to Australia. The Government granted them the use of a ship of war, which took out not only single men from Scotland, but whole families, including grandfathers and grandmothers. They were well received by the colonial authorities and by the colonists themselves, and the results were most gratifying. It was only the other day that he had met a gentleman lately returned from Australia, who spoke of the comfort and happiness of those people, many of whom, he said, were proprietors of some of the largest farms in the Colony. He thought that facts like these were far better than all the theories that could be advanced on the subject, and he therefore gave his hearty support to the Motion of the hon. Gentleman.

SIR JAMES LAWRENCE said, he had of late been a good deal interested in this question, and he wished to say a word or two upon it. He intended to support the Resolution, because after closely examining it he could not see that it committed the Government to any definite course upon the subject. In the present unparalleled distress of the country—and he used these terms advisedly, for he did not believe there had been so large a portion of the deserving poor in distress for the last twenty-two years as there was now—he agreed with the Resolution that emigration would be a means of relieving that distress, and he was sure no one would say that the relief of that distress was not the duty of that House. The poor rate had increased from £7,700,000 in 1860 to £11,054,000 last year, and that in the face of a constant increase in our manufactures, and notwithstanding an increase of trade such as had never been seen in any eight years of England's history. If they regarded that immense increase in the poor rate as having taken place during a time of expansion of trade, it behoved them to consider seriously what were the causes which had produced that state of affairs, and whether it was not in the power of Government and Parliament to prevent the causes and remove the evil which they all so much deplored. He agreed with the hon. Member for Stoke (Mr. Melly) that no greater curse ever happened to this country than the results which had flowed from the adoption of the principle of limited liability; bubble companies were formed for every imaginable purpose, trade became inflated, and simultaneously the tide of emigration was checked. The last Report of the Emigration Commissioners showed that emigration had rapidly diminished from 1863 down to 1868; and we now saw some of the results of that rapid diminution. There were collected in our towns large numbers of people, for whom employment could not be found, and, worse than that, the value of labour of the lowest class was deteriorated to such an extent that men who could earn 12*s.* or 14*s.* a week a few years since could earn now only 7*s.* a week. The result was that those connected with the administration of the Poor Law were compelled to allow these poor people out-door relief, which was therefore given in aid of wages, and this undoubtedly intensified the evil. It had been properly said by the Under Secretary for the Colonies that, as a general rule, emigration should flow as freely as the river to the sea; but it must be remembered that if by artificial methods a stream was prevented following its natural course disastrous results would ensue. Much of the evil that London and other parts of the country were now suffering from arose from the unnatural inflation of trade, and from extravagance and waste which always brought in their train a large number of people who were employed but seldom, and who lived as it were upon the fragments that fell from the superfluities of the wealthy and the luxurious. Hence in the large towns there had grown up a great body of persons who had no regular occupation, who were but little, if anything, above the class of unskilled labourers; and it was that class which it was sought to remove, and which would be of benefit to the Colonies. He agreed that in encouraging emigration the greatest care ought to be taken that even those who were assisted to go out by private benevolence should be those only who were able to earn a livelihood in the Colonies. Reference had been made to what emigrants encountered when they reached the Colonies. Now, last year, the British and Colonial Emigration Society with which he was connected sent out some 4,000 emigrants. The society had a list of those persons, giving the townships in which they settled and the employments in which they were engaged, and out of the whole 4,000 there were not 100 who did not almost immediately find remunerative occupation. He was surprised at one remark made by the Under Secretary for the Colonies, who, from his acquaintance with Ireland, must have known that the emigration from that country was not at the outset spontaneous or natural, but was largely supported from funds borrowed on the security of the poor rates. From a Return which he had himself moved for, it would be found that a very great portion of the money at first spent on Irish emigration was supplied by the landlords from sums borrowed for the purpose. All must be aware that at present there were vast numbers of people in deep distress, whom no extent of trade or increase of commerce would materially affect, and whose state ought to be taken into serious consideration. This class had been growing up for the last seven or eight years. Some seemed to think that this country had attained its high industrial position by means of cheap labour. Only the other day one of our large manufacturers complained that the English workman could not live so cheaply as the Swiss workman, and expressed a hope that when the taxes were removed from certain articles of consumption the English workman would be able to live in the same manner as the lowest paid workman in Switzerland, in order that he might compete successfully with his Continental rivals. Now, the whole of our history was opposed to that view. When manufactures sprang up in this country, it was our dear labour combined with our superior skill and enterprize that enabled us to compete, and to compete successfully, with the low-priced labour of Germany and the Continent. And so it would be again. But instead of looking to excellence of workmanship, of late years many of our manufacturers had aimed principally at cheapness, and the consequence was that foreigners who could make things cheaper, but not so good, could beat them out of the market. The quality of British goods had thus been deteriorated, and that had told against our manufacturers. Again, with reference to that very question of emigration, he recently heard a man who was in the habit of employing a large amount, not of skilled labour, but of unskilled labour of a superior kind—that was, men of the strongest muscle, who could lift large weights—lamenting that he could not get such men for half-a-crown per day; and when told that there were many men willing to work for even less than that sum, he said they would not suit him, the class he wanted for half-a-crown being really men whose proper wages were from 3*s.* to 3*s.* 6*d.* per day. And that employer was opposed to emigration, because by gathering our unemployed labour, as it were, into a reservoir, the price of labour at home would be reduced. The manufacturing interests of this country could be maintained in the great struggle to which they were exposed only by the education, and especially the technical education, of our workpeople, and thus England would be enabled to compete successfully, as she had heretofore done, not with the lowest, but with the highest class of labour in other countries. While he did not give an unqualified support to the Resolution, he rejoiced at its introduction, because the discussion which it evoked would have a good effect upon the great mass of the unemployed, who would see that the representatives of the people entertained the greatest sympathy for them in their distress, and were prepared, as far as they were able, and without contravening great principles, to lend their aid to measures calculated to remove the unparalleled distress which prevailed at present.

Mr. A. PEEL said, he did not rise to enter upon any of the larger questions of political economy involved in that discussion, but merely to touch on some points connected with the administration of the Poor Law that bore on the subject before them. At the same time, he would remark that, according to some of the more recent speakers, they were asked to interpret the Resolution before the House as binding the Government to nothing more than facilitating emigration; but, from the speeches of the Mover and Seconder, he understood that something more was involved in the Motion. The hon. Gentleman who had just sat down described this as a period of unparalleled distress, and alluded especially to the pressure of the poor rates as furnishing an argument for Government interference. But there had been periods when the pressure was greater than it was now. In the year 1848-9 the ratio of pauperism to population was 6 per cent. In 1861, the ratio had diminished to 4 per cent, and therefore he thought the argument as regards the pressure of rates was unsupportable. The Mover of the Resolution laid great stress on the distress of the agricultural districts, and said that the competition in those districts tended to reduce the price of labour. That was hardly to be reconciled with the statements of the Seconder, whose argument went to show that there had been a great migration of agricultural labour into the towns. If that were so, surely it would beneficially affect the scale of wages for those agricultural labourers who remained in their districts. It was true that agricultural distress prevailed, but the test of that distress was the rate of wages; and he would quote to the House the rate of wages at two periods which he thought presented a not unfair comparison. The rate of wages he took was the ordinary weekly earnings of the agricultural labourer, excluding all extraordinary sources of income, such as harvest wages and the like. The first case he would take was that of Faversham, in Kent, where the rate of wages at the Michaelmas quarter of the year 1860 was 8*s.* 8*d.*; whereas in the corresponding quarter of 1869 they were 15*s.* He was taking sample districts for his comparison of agricultural labourers' wages at the same two periods; and he found in the Eastling district, also in Kent, at the Michaelmas quarter of 1860 the rate of wages was 9*s.*, and in 1869 it was 14*s.* In Ticehurst, Sussex, the rate was 12*s.* at the former period and 13*s.* 6*d.* at the latter, and in Westhampnett, Sussex, the increase was from 12*s.* to 13*s.*; in Wantage, Berks, from 10*s.* to 13*s.*; in Woburn, Beds, from 10*s.* 6*d.* to 11*s.*; in Billericay, Essex, from 11*s.* to 15*s.*; in Devizes, Wilts, from 9*s.* to 11*s.* 6*d.*; in Axbridge, Somerset, from 9*s.* 9*d.* to 11*s.*; in Ledbury, Hereford, from 9*s.* to 10*s.* 6*d.*; in Atcham, Salop, from 10*s.* to 11*s.*; in Stourbridge, Worcester, from 11*s.* to 13*s.* 4*d.*; in Market Bosworth, Leicester, from 12*s.* 6*d.* to 14*s.* He could give the figures for many other parishes; but he did not like to trouble the House with long quotations. He thought, however, those figures proved, if statistics proved anything, and if his selection was a fair representation of the state of things throughout the country generally, that the rate of wages had increased. It was true that during the same period the price of beef had increased largely; but he imagined that beef did not enter very largely into the consumption of an agricultural labourer. He could understand that, in the year 1847, when there were 2,000,000 of a starving Irish population on one side of the Atlantic, and 6,000,000 of acres in one district alone requiring strong arms to till them on the other, a strong appeal could be made in favour of State assistance to emigration. But was there in this country at the present moment such distress as had not existed here before, and as called for the interference of the Government to promote an extensive scheme of emigration? The amount of the distress was really the pivot on which the question turned. He would not enter into the larger question of political economy; but he might refer to what had been done on a limited scale under the Poor Law Board in the way of giving assistance to persons to emigrate. From 1834 to 1868, a sum of £147,000 had been spent by the parishes of this country, including those of the metropolis, in assisting persons to emigrate, the number so assisted being 25,000. He did not say that the restrictions imposed by law had not operated to prevent a greater outlay by parishes for that object. Strong pressure had been brought to bear on the Poor Law Board and the Government to induce them to withdraw some of these restrictions; but it was desirable the House should know this fact—A large number of gentlemen connected with the Colonies, colonial agents in the confidence of their respective Governments, had met his right hon. Friend the President of the Poor Law Board, and suggested that some modification should be made for the purpose of withdrawing the obstructions which stood in the way of the emigration of poor people. He, himself, was present at the interview, and those gentlemen having been consulted as to their views with respect to the emigration of the poor, they one and all expressed their determination to have nothing to do with pauper emigration. The assistance that the Poor Law Guardians were empowered to give was not confined to the case of paupers. It could be given to poor persons who, through the vicissitudes of the seasons, or a temporary want of work, or any other such cause, would be reduced to a state of pauperism, but the colonial gentlemen said they had no confidence in the action of the Poor Law Guardians in respect of emigration; they disapproved the choice which in many instances the Guardians had made, because, as they said, the persons who had been chosen were not persons able to battle with the difficulties of colonial life. The hon. Gentleman the Mover of the Resolution now before the House (Mr. R. Torrens), not only asked the Government to give some general aid to emigration, but to bind themselves to a specific plan. [" No ! "] He understood the hon. Gentleman to lay down that £1,000,000 should be given from the rates and £1,000,000 from the Consolidated Fund. Was not that a specific plan? It was a mistake to suppose that when emigrants went to the Colonies they found themselves in an El Dorado; but that was the prospect which in many instances had been held out to agricultural labourers. He had seen statements with reference to emigrants to the most favoured parts of the most favoured Colonies which did not justify the hope that, without the most careful selection, they would be able to discharge their duties properly or encounter the trials which they would have to undergo in their new homes. The British and Colonial Society and many other societies had sent out thousands and thousands to America, and he had been told that many of them complained of the hardships to which they had been subjected. He had asked a gentleman capable of giving him information on the subject whether colonial life was so hard as those persons represented it to be, and he was told it was not, but that many of the emigrants were shiftless, purposeless, aimless persons, whose lives in this country had been such as to give no promise of their success across the Atlantic. They were persons who objected to the amount of trial for which all emigrants should be prepared, and who wished to return and lead a life of idleness in England. He considered the view of the colonists a perfectly just one. They said—" We want, if we can get them, the flower of your population, the pick of your agricultural labourers, the first choice of your mechanics; but we do not want, and we cannot take, and we will not have, the refuse of your population." His hon. Friend the Member for Lambeth (Sir James Lawrence), who had alluded to what was done in Ireland was mistaken in respect of the extent to which emigration from that country had been assisted out of the poor rate; for with all their borrowing powers the Irish Guardians, during the last twenty years, had spent only £120,000 on emigration, and the number of persons they had assisted in that way was only 26,000. No argument in favour of State emigration could be drawn from Ireland, nor did it appear that the existing distress would warrant any extraordinary remedy, or justify that process of State intervention which was demanded by the Motion before the House. Any such action on the part of the Government would be contrary to the spirit and independence of this country, and would be productive of injurious consequences, which no one would more regret than the Mover and Seconder of the Resolution.

MR. T. BRASSEY said, he rose for the purpose of offering a few observations to the House in support of some remarks which fell from the hon. Member for Stoke (Mr. Melly), with reference to the cause which had produced the lamentable distress to which attention had been called that night. The value of the remedies proposed for the relief of that poverty could be best tested by studying the principal causes which had produced it. He had given his attention to this subject for a long time past, and the conclusion at which he had arrived tended to establish in his mind the belief that the wild speculation in connection with joint-stock companies, which had prevailed a few years ago, must be admitted to be the principal cause of the present distress. A Return had been placed in the hands of hon. Members a few days ago with reference to the joint-stock companies wound up or in process of being wound up, which showed them to be 480 in number, while the loss under the head of paid-up capital and unliquidated liabilities amounted to £97,800,000. Calculating the interest upon this vast sum at only 4 per cent, the annual loss to the country, and consequently to the working population, was something enormous, and was such as no Government or private aid could hope to remedy. He would illustrate the great misery which had been brought upon the working classes by these reckless speculations by making some reference in detail to the shipbuilding on the Thames. From information which had been supplied to him by a person who for many years past had been engaged in the Thames shipbuilding trade, he was enabled to say that in the year 1860 the number of men employed in that work amounted to 11,830. Under the influence of speculation and investments in joint-stock companies, that number was increased to 20,880 in 1864. When, however, the folly of attempting to carry on a business of that description in a locality not adapted for the purpose was discovered, the collapse which ensued reduced those figures to 3,190 in 1870. It was impossible to exaggerate the misery which a collapse of that kind must entail upon the working classes; and therefore he must be forgiven for observing that it would be well for those in the possession of means to remember that in the selection of investments and in the employment of their capital a great responsibility was incurred towards the working classes, because had it not been for the investment of large sums of money in speculative undertakings a few years ago we should not have had to deplore the distress that now prevailed throughout large parts of the country. But while we were in the right to dwell upon the culpability of those speculations we must not shut our eyes to the fact that a considerable degree of blame attached to the working classes themselves for the extravagance in which they too often indulged, and he referred more particularly to the enormous sum which statistics unhappily informed us was expended annually upon intoxicating liquors. It was stated by Mr. Levi in his *Essay on the Earnings of the Working Classes* that the sum annually expended upon intoxicating liquors in the United Kingdom amounted to £89,000,000, out of which enormous total no less than £58,000,000 was calculated to be expended by the working classes. The result, unfortunately, of these extravagant habits was that when commercial movements occurred the working classes were unable to follow them, and found themselves thrown back upon the poor rates. At the time that the Millwall Iron Works were in full operation they weekly expended £10,000 for labour, and had the large body of men who received that sum exercised due forethought they might easily have transferred their labour when shipbuilding declined upon the Thames to other ports and rivers which had taken the place of the Thames as regarded the shipbuilding of the country. It must not be supposed that when shipbuilding declined upon the Thames the amount of shipbuilding in the country at large decreased. In a Return which had been presented to the House it was stated that whereas the 28,000 tons of shipping built in London in 1866 had fallen in 1868 to 6,600, entailing, of course, a great reduction in the employment of labour and great suffering upon the working classes, the shipbuilding trade in the Mersey and Clyde had considerably increased in that period. In discussing the general policy of relieving distress by State-aided emigration we should not lose sight of this consideration. Already there was a great tendency among the poor to assemble in London—the destitution of the country seemed to gravitate towards the metropolis — and if the inducements to congregate in the metropolis were increased, very lamentable results would ensue. In his opinion, it would be best to leave the matter to the self-reliance of the people. The institutions founded by the working classes had turned out very successful, and by their own exertions they had sent out a fair proportion of recruits to our Colonies and to America. It had been truly said that it was useless to send to the Colonies inferior labourers. What they required were skilled and vigorous workmen. Mr. M'Cullagh had said that if they adopted the unstatesmanlike policy of rendering assistance to poverty upon too easy terms, poverty would not be greatly dreaded by those likely to become its victims. Neither must we forget that in despatching a large number of working men to our Colonies we were incurring great responsibility with respect to their future means of employment; because nothing fluctuated so much as the demand for labour in the Colonies, and in the event of the present demand for labour coming to an end those we sent out would suffer from destitution. Under these circumstances — while deploring from his heart the wide-spread poverty and distress that now existed throughout the country—he felt that we must look rather to private effort than to the public purse for the relief of the unemployed poor.

SIR HARRY VERNEY advocated the adoption by our Colonies of the plan followed with so much success in the United States, under which, when a railway was made, the labourers and others employed upon it were put into possession of farms along its course, a space ten miles square being allotted alternately to the Government and to the company. The question had been argued by the hon. Member who spoke last as one involving that of a limited liability company, and by the hon. Member the representative of the Poor Law Board (Mr. A. Peel) as though it was a question of Poor Law providing employment for paupers; but, for his own part, he could not help looking at it as being an Imperial question. He knew that our Colonies wished to have men from England, and that here there were many people of all classes who desired to emigrate. The only question was, ought we to facilitate this emigration? and he had no hesitation in saying that we ought. The hon. Baronet (Sir James Lawrence) had stated that an emigration society with which he was connected had sent out 4,000 persons, who had all been subsequently visited, and that of them only 100 had not improved their condition. This fact showed that emigration was advantageous to the poor, and that supervision could be carried out. Although he could not agree with the words of the Motion, and was not disposed to pin his faith to any of the plans which had been proposed, he yet thought it was the duty of the Government to adopt some plans to facilitate emigration, for the reason, among others, that generously and judiciously carried out and superintended, it would tend to bind the mother country and the Colonies more closely and harmoniously together.

Mr. NEWDEGATE said, that no one who had addressed the House had attempted to deny the existence of great distress in the country. That was palpable to every one; and the fact of the prevalence of this distress made it incumbent upon the House to see whether measures could not be adopted, if not to remove, at least to mitigate it. The hon. Member for Warwick (Mr. A. Peel) had adverted to the distress that prevailed in 1847 and 1848. He (Mr. Newdegate) well remembered that period. It was a period of commercial depression, arising from the money pressure of 1847, which originated in the exports of bullion in payment for corn, imported in unusual quantities on account of the potato famine in Ireland, and a short harvest. But the hon. Gentleman, in making the comparison which he did, altogether overlooked the fact that this distress was increased by the scarcity of gold, the mines of California not having then been discovered. The effect of that extraordinary circumstance, the unprecedented increase in the supply of gold, that gift to mankind of a vast addition to the medium of commerce and of payment, and its wonderful effects, were usually overlooked by the modern school of political economists. Allusion had also been made to the distress occasioned in 1866 by what he might call the blowing up of the limited liability system. Now he, for one, felt that his hands were clean with respect to that matter, for he had strongly opposed the Bill which established the system, because he believed it would do what, in reality, it had done—weaken and destroy the sense of individual responsibility, which it was very desirable that all directors of such companies, and of commerce, should be made to feel. He quite agreed with the hon. Member for Birmingham (Mr. Muntz) that emigration was not an unmitigated good. It was an instrument that should be used with the greatest caution. It was certainly dangerous to the trade of this country that many of its best workmen should be employed in America. No doubt the hon. Member for Birmingham felt this danger, for he (Mr. Newdegate) shared the representation of that great town with the hon. Member, and they both knew that axes, and other edged tools, were being sent from America into Birmingham. And some of these were of the workmanship of skilled hands—of English labour, which had not only crossed the Atlantic, but came back in the form of imports, and actually superseded our own manufactures. They were continually being told that protection was adverse to the interests of commerce; but if this really were the case, he would like to ask how it happened that the product of protected industry, coming from the United States, competed advantageously with our unprotected articles? Every commercial man ought to know—the brother of the hon. Member, when he represented Birmingham, certainly did know—that where there was a large protected home trade, the surplus or additional products of that trade could be sent forth from the country more cheaply than where the home trade was not protected. France had a silk trade, protected partly by a natural monopoly, and partly by duties, and she was enabled to send forth her surplus silk, in the form of ribbons, to an extent which had superseded about three-fourths of the trade of Coventry. These were perfectly notorious facts, and they clearly demonstrated that the matter was, at least, worthy of consideration. He (Mr. Newdegate) had accidentally been prevented hearing the Under Secretary for the Colonies, but understood that the right hon. Gentleman had met the Mover of the Amendment by saying that his plan was a bad one, and that, therefore, the Government could do nothing. That certainly was a very lame and impotent conclusion. Government professed their entire helplessness in the matter. They could, it would seem, negotiate treaties with Austria and France, but were not able to negotiate with the Colonies for the reception of our surplus population, or on other matters connected with trade. Such a condition of things was very unsatisfactory, for no one could carry out these negotiations if the Government would not, or could not, assume the responsibility. He himself had had some experience of emigration. When great distress prevailed in the district, of which Coventry was the centre, he was chairman of a relief committee, which had at its disposal a sum as large as £47,000. A considerable portion of that money was spent in assisting emigration, and success crowned the experiment, although persons, previously employed as ribbon weavers, were certainly not especially adapted or prepared for colonization. He rejoiced that, at last, many hon. Gentlemen on both sides were saying to the Government—"It is your duty to make some attempt in this matter under due precautions." Difficulties were undoubtedly to be encountered, but these should be faced. Government ought to make a selection of persons, qualified to a certain degree for the life of a colonist, and propose arrangements with the Colonies for securing to emigrants a proper reception on their landing. Were no action taken, he feared that the colonists would continue to raise their import duties upon the exports of the mother country. The hon. Member for Birmingham had already stated, that these colonial duties had already, in some cases, reached 10 per cent; if nothing was done, it might not be long before they rose to 20 per cent. The question before the House was eminently worthy of consideration, and had received the attention of the most eminent men, not partizans, but literary men and others, who believe that they already foresee the separation of her Colonies from the metropolitan State. Something should be done, and he felt persuaded that if some good plan was carried out the relationship between the Colonies and the mother country would be greatly strengthened.

SIR CHARLES W. DILKE observed, that the extreme vagueness of the Motion before the House had been exemplified by the fact that it had been supported by men of three different sets of opinions. Some hon. Gentlemen were of opinion that emigration should be aided out of the rates; others thought it should be supported out of the Consolidated Fund; while a third party merely expressed themselves in favour of emigration being facilitated by the State, without specifying any mode by which that object was to be attained. For his own part, he thought it would be very undesirable for the House to come to a vote on the present Resolution, and he trusted that an Amendment would be proposed, because Members could not vote on the Resolution without being in some degree bound by the speeches by which it had been supported. This Resolution, he might remind the House, was but part of an agitation which had been carried on for some time past in the metropolis and other great towns. At the public meetings which had been held the resolutions were sometimes, and the speeches in support of them were always, avowedly in favour of some system of State aid to emigration. The scheme generally advocated was that emigration should be promoted out of monies to be lent by the Consolidated Fund on the security of the colonial lands. In his opinion, the House should take the present opportunity of discussing the details of such a plan; because the real objection to the Resolution of the hon. Member for Cambridge was that any plan which might be proposed in order to give it practical effect would inevitably prove unworkable. In the first place, if the money were to be lent, there must be some notion that it would some time or other be repaid. One case, indeed, had been mentioned where money lent for the purpose of aiding emigration was actually paid back again; but that, he believed, was almost a solitary instance, and an exception to the general rule. The kind of emigration contemplated by the hon. Member's Resolution was to be assisted on the ground that it would be a sort of common gain for all. He ventured to think, however, that no large portion of the money which might be borrowed would ever be repaid. It was a new principle that the State should lend money without a guarantee for its repayment; and what, he should like to know, would be the value of a guarantee on the security of the colonial lands, which at present were the property of the Colonies themselves, and were dealt with by the Colonial Legislatures? He did not mean to say that the original transfer of the lands to the Colonies was a wise act; but, at all events, it had been done, and we must deal with the existing state of affairs. Was it intended, then, to take those lands arbitrarily from the colonists and give them to the emigrants? Why, if such a proposal were made, the Colonies would rise in arms against us, and we should have not merely declarations of independence directed against us, but declarations of war. If it were intended to give the emigrants lands as well as their passages free, buying the lands from the Colonies, the figures which had been quoted in the course of the debate were wholly fallacious. The hon. Gentleman who brought forward the subject was in favour of raising a large portion of the sum required by means of rates; but that would give a pauper stigma to the whole scheme. Then, again, the question would arise as to whether the taxes should be levied specially in certain localities or generally over the whole country. If the emigrants were to be sent only from certain localities, how were those localities to be ascertained; and how, after being ascertained, were they to be isolated so as to prevent poor people flocking into them from all parts of the land? As he had already remarked, the Resolution now under consideration was so general and vague that he did not see how anyone could have voted against it had its meaning not been fully illustrated by the speeches of the hon. Member for Cambridge (Mr. R. Torrens) and his Friends. It was said not to be an emigration of paupers, but if the proposed emigrants were to be persons who would become chargeable to their parishes if they were not sent away from the country, there would simply be an emigration of the next generation of paupers, instead of the present generation. The opinion of Mr. Verdon—and he believed of all the colonial agents in this country—was that the Colonies did not want that class of people who were so sunk in degradation that they could not raise themselves from it, and which class was that from which the class of paupers was recruited; and people in the Colonies felt the deep importance of founding their country's population with the best blood that could be obtained; and they would look upon themselves as criminals before the world if they deliberately introduced into those countries the class of people who supported tho ranks of pauperism here. The Resolution said we ought to send out emigrants to the British Colonies in preference to other countries. Now, on this branch of the subject he would remark that this was either a colonial agitation or a distress agitation, and that the House ought to be distinctly informed which it was. If it was merely a distress agitation—as had been insisted in the speeches of several hon. Members — why should the Resolution bind the House to send the emigrants to the Colonies, and not to other countries where possibly they might more readily find employment? He thought that there was a mixing up of the two questions in the Resolution; and therefore he trusted that some Amendment would be placed before the House, so that they might vote upon a distinct proposition. The Resolution had been supported upon the ground that a large amount of our goods was taken by the Colonies, as if it was the cheapest thing in the world to send abroad emigrants in order that they might become our customers. The figures which had been laid before the House upon this part of the subject were, he believed, far from being correct. It was, no doubt, true—as had been asserted by the hon. Member for Penrhyn (Mr. Eastwick)—that Australia took ten times more goods from us per head of the population than the United States; but then it should be borne in mind that a young country or colony must necessarily take more from us than an older one which had got manufactures of its own. At a meeting of the Emigration League held recently at the Society of Arts, the hon. Member for Peterborough (Mr. Whalley) stated that the whole object of the movement was the consolidation of the fabric of the Empire, and the House ought therefore to be careful to avoid the confusion which must result from mixing up a colonial with a distress agitation. The hon. Member for Cambridge, among others, had spoken at the meeting at the Society of Arts to which he had just referred, and had stated that the colonists of South Australia could not properly develop their mines because wages were as high as 6*s.* a day, and that it was necessary they should for that purpose be reduced to 4*s.* That argument he had used in support of the view that emigrants should be sent out to South Australia, while our population at home was to be taxed in order to secure that object. The hon. Gentleman appeared to him—to use a common expression—to have let the cat out of the bag in that instance, and to have shown that one of the main ends for which emigration was advocated was the promotion of the interests of the colonists. If, however, the hon. Gentleman were to stand for a South Australian constituency, he would, he thought, hesitate before he committed himself to a proposal for taxing the inhabitants of London with the view of reducing wages in the Colony from 6*s.* to 4*s.* The notion, he might add, prevailed in New Zealand, Victoria, and New South Wales in 1866 that Queensland was a perfect Garden of Eden, where there was land for all and labour for all. The result was that people flocked to it from all the other Colonies in enormous numbers, many persons going out even from England. The immigration ended in the formation of two large camps there, in which something like 5,000 immigrants, who had so suddenly descended upon the Colony, had to be maintained as paupers. He would further observe that nothing could, in his opinion, be more immoral than that we should, at a moment's notice, pour the scourings of our population on Colonies which had not the protection of a Poor Law. The large towns in Australia would undoubtedly protest against the immigration of our pauper poor; and great difficulty would, he felt convinced, be experienced, so far as those Colonies were concerned, in giving facilities for emigration of any kind by the aid of public money. Such aid would carry with it the stigma of pauperism, and the colonists would not be likely to let the emigrants in. Then to what Colony were they to go if not to Australia? Could we send them to Canada, when we knew that more people at the present time passed over the border into the United States than entered Canada from abroad? The secretary of one of the emigration bodies—Mr. Jenkins—proposed that emigrants should be subject to fine and imprisonment to make them pay back the money that had been advanced to them; but such an emigration, so far from consolidating the fabric of the Empire, would bring about this state of things—that every emigrant would owe a sum of money to this country, and would thus have a direct interest in breaking the connection between the mother country and the Colony, so as to escape payment of these debts. Was it, then, desirable, he would ask, that we should impose a tax upon all classes of the people, down to those who were in the receipt of the very smallest incomes, in order that we might send to the Colonies a number of persons whose places would be immediately supplied? One immediate result would no doubt be the increase of our marriage rate at home, so that the operation would be something like attempting to empty the sea with a sieve. He was far from agreeing with a gentleman who seemed to be one of the chief speakers at a late meeting of the Emigration League, who said that he believed it to be the duty of the State to find work for every man, or at least to take men where work could be found for them. He was, he might add, as little afraid of Socialism as any Member of that House; but he would take the liberty of warning those connected with the present movement that the scheme which they were advocating was one of a purely socialistic character, and ask them to remember that though Socialism would one day inevitably raise its head in this country, it was no part of their duty to bring about such a state of affairs. The gentlemen outside the walls of Parliament by whom the movement was directed had, he could not help thinking, singularly little knowledge of the hopes and the aspirations of the English working men, which might lead to agitations here at home far more dangerous, but, at the same time, far more reasonable, than those which the House was now engaged in discussing.

MR. W. M. TORRENS expressed his regret that although the subject of emigration, admitted on all hands to be one of the greatest interest and importance, had formed the subject of debate for several hours, no Member of the Cabinet had as yet addressed the House. He presumed, however, that the speech of the Under Secretary for the Colonies and that of the Secretary to the Poor Law Board afforded a correct indication of the views entertained by the Government; and he could not refrain from saying that some of them had caused him no little surprise. He had marvelled at many statements which he had heard made in the House on various subjects and occasions; but he had never listened, he must say, with more astonishment than that with which he had heard the allegations and arguments from the Treasury Bench that evening. Acquainted as his right hon. Friend was known to be with all the circumstances connected with the condition of Ireland during the period of the famine, and that which succeeded it, he thought that he (Mr. Monsell) would have shrunk from characterizing as spontaneous the wholesale emigration which ensued upon the calamitous events of that time. The famine of 1847 had, in the memorable words of Earl Russell, been described as a dearth of the fourteenth befalling a population of the nineteenth century; and the industrial prostration and physical misery which followed in 1848 and 1849 could be compared to nothing recorded in history, save the dreadful plight of a city long smitten with the plague. No language could more utterly misrepresent the nature of the emigration which then occurred than that which the Under Secretary for the Colonies had used. The people fled from the land for their lives, and then the same means were had recourse to to arrest the tide of destitution as those upon which reliance was now placed. As to the present movement, he must observe he could not envy the tone of those who spoke of it as originating with men who were leading the working classes into error. For his own part, he had been driven into it. He had hoped against hope, but he could not conceal from himself the fact that there were within a very short distance of that House thousands of human beings who knew not where food and raiment for the next week were to be obtained, and who asked from the House that consideration which he regretted to say they did not appear to receive from some hon. Gentlemen behind him. He had heard, for instance, one hon. Gentleman, who represented the capitalist class, speak of the present distress as being in a great measure caused by spendthrift habits; while another talked of the transfer of labour to our Colonies as tending to produce competition and to affect the accumulation of capital. Were those the arguments which were to be addressed to famishing multitudes, and was it thus that class was to be set against class? It was a dangerous doctrine to go forth from this House that, because we were afraid of competition, we would not send our skilled hands away, so that the profits of English capitalists might continue. He denied that the great emigration from Ireland had been voluntary. We tried one nostrum after another, but all our measures failed, and the people were finally driven to forsake the land which denied them bread. Since then we had had another lesson in those ethics of *laissez faire*. The trade of Lancashire was suddenly stopped a few years ago, and the same fatuity seemed to attend the course of legislation. First a rate-in-aid was tried, then public works, then out-door relief; and it was only by the mercy of events that Lancashire was saved from the same disastrous necessity of flight which overtook the unfortunate people of Ireland. The lesson taught us by these two incidents was plain. As long as the people were tranquil and obedient, willing to be dealt with as paupers and to receive out-door relief, there was a chance, they were told, of tiding over the exigency. But now in London, Liverpool, and other large towns, the people refused to be treated in that way, and asked to be allowed to get them gone to a country in which they could earn their bread. He had heard with the greatest regret the allegations made by the Secretary of the Poor Law Board as to the statements made by the agents of the Colonies, when the latter were interrogated at Gwydyr House. The impression created by what had fallen from the Treasury Bench must be that these gentlemen, when asked what their opinion was regarding the relief which the English people seemed to need, advised the Government that the Colonies would not receive paupers in name or in reality. Now, he was greatly misinformed if the answer of the agents was confined to this assertion. On the contrary, he believed there was the fullest disposition on the part of New South Wales, of Victoria, and of Canada, to receive a large annual reinforcement of labour from this country. He had received a letter from an old colonist and long-tried public servant there, Sir Daniel Cooper, who was for many years Speaker of the House of Assembly in New South Wales, who said—

> "Labour is wanted in all the Australian Colonies, and most of all that of men who can turn their hands to any sort of work not requiring much manual skill. The jobbing carpenter, stonemason, or bricklayer, is sure to do well who can combine several occupations, and when he cannot obtain mechanical work will turn his hand to anything else. Great Britain can spare this kind of labour without injuring her power to compete with foreign nations. The manufactures connected with or dependent on agriculture have in a few years nearly doubled in New South Wales, and the years of the greatest prosperity to the Colony were those when there was the largest immigration, and I feel certain that it would be the case again if a flow of emigrants set in to Australia. The impetus that would be given to a good supply of labour would cause an immediate expansion of all the industries, and thereby cause a further demand for labour—the employed quickly becoming employers of labour—many who would succeed themselves would send for their families and relations, and in that way would assist in relieving the labour market at home without any loss to the country. But there would be a great objection to the Poor Law Board or the parish authorities having anything to do with the selection of emigrants, as we have suffered much by the abuse of this system before. The authorities palmed off the worst of the workhouse inmates, both men and women, and they were a source of great trouble and expense to the Colonies. In cases of advances made to emigrants and promissory notes taken for repayment, it would be necessary to appoint a special agent to recover such loans, as no colonial Government would be found to undertake this unpleasant work; but if the present laws would not enable such loans to be recovered by a cheap process I have no doubt that Acts would be passed at once to provide such a remedy. If the people in England only knew what living was in Australia they would never be content to remain here, and even as it is I wonder that they do so."

The resident emigration agent from New South Wales said that, if they were well-chosen emigrants, 10,000 might be absorbed into that Colony every year. He was tired of hearing it said that there was any wish to "shoot our rubbish" into the Colonies or send our paupers there. No such proposal had, to his knowledge, been made at any public meeting which had been held on the subject. These meetings were orderly, full of meaning, and worthy of respect, and what they advocated was not Socialism, or the setting up of class against class, but the provision by the Legislature of means whereby men who failed in getting work here might be sent to a country in which they could get work. All that was wanted was that men who could not get work in England should have free passage, or passages at a nominal price, provided for them to the Colonies, subject in every case to the veto of the recognized agent of the Colony, who should decide whether they were fit men to go. He could say with authority that nothing was said by those who represented Canada and New South Wales which justified the statement attributed to the colonial agents at Gwydyr House.

MR. MONSELL said, the agent of Canada was not at the meeting.

MR. W. M. TORRENS: He was shunted into a separate siding, and was handled by himself. The gentleman who had for some time represented Canada in this country had stated that 20,000 labourers and artificers, 5,000 skilled hands, and from 15,000 to 20,000 others, in all about 40,000, would easily find employment in Canada if they were sent there. The accredited agent from Ontario had informed him that within the last few weeks 400 municipalities had been asked for what amount of labour they could find employment. Toronto had sent an agent to England for the express purpose of stimulating that emigration to which the hon. Member for Birmingham (Mr. Muntz) objected on the ground that the removal of skilled labour would have an effect on the wages market.

MR. MUNTZ said, he did not state anything of the kind.

MR. W. M. TORRENS said, the hon. Member for Birmingham had said they were going to send those who were unworthy to be sent, or that they were going to send those who were worthy to be sent. He called the worthy "skilled hands," and they the hon. Member did not wish to have sent away.

Mr. MUNTZ explained what he said was, that of the emigrants who went to Canada, five-sixths of them went over to the United States. The Canadian Government did not wish to receive a number of paupers, and if skilled labourers could be prevailed upon to leave this country and go over to Canada, they would very soon find their way to the United States, where they would be our competitors instead of our fellows.

Mr. W. M. TORRENS said, he understood the hon. Member to object to emigrants being subtracted from the working power. Mr. White would make a different statement, and would say that Canada was ready to receive not merely skilled but also unskilled labour. She would not receive paupers, and in that decision she was quite right, for this country had no right to throw a portion of its burdens upon the young communities which were growing up. If the Government could see its way to charge the emigrants with such a portion of the cost of their passage as they could reimburse, make such provision that they should not perish from cold or hunger, and give them five years for paying off the advance which was made to them, the emigrants would then be able to obtain the fee-simple of the land. He denied that Canada was a mere resting place for emigrants, and was in a position to confute that assertion, the fact being that what were called abandonments of homes were merely migrations of labour. This year there would be a great demand for rough labour in the Colony, and this country ought not to entertain any *laissez-faire* theory in considering whether it ought to help its unemployed labourers to emigrate. If the Government would, in Committee of Supply, propose that they should gratuitously send a number of people from this country to Canada he should have no hesitation in voting in favour of such a proposition. Until very recently there was hardly a Minister in this country that had not, in one way or another, encouraged and fostered emigration. The hon. Member for Stoke (Mr. Melly), he believed, had told the House that unfit and idle men had gone out expecting to find a garden, and that now they were trying to get back to live in idleness at home. But was it so very delightful a thing to live under high taxation rather than low, and in a land which was choke full, rather than in one where men could get hundreds of acres if they wished? For his part, he did not believe that there were classes of men who looked back to the condition of things in the workhouses of England with regret. It was said, with some degree of sarcasm, that they were speculating in this matter. He thought the words of Mr. Burke were applicable in a case like this—

> "In politics, as in everything else, it is very often necessary to believe in the future, or what is called speculate; but my advice to you is, when you speculate, let your speculations at least be splendid."

It was quite true this speculation, if they so called it, might invite ridicule, but it would commend itself, nevertheless, to every intelligent mind, to every man who knew history, and who knew that every great empire was built up in this way. The Resolution had been framed with no view to any particular theory. The value of it was, that it would enable gentlemen to have their own preferences with respect to what might be done, provided they concurred in the principle that something national was necessary. The principle they contended for was that it was the duty of the Government to think for the whole Empire in such a matter.

Mr. GLADSTONE: Sir, I must call the attention of the House to the closing sentences of the speech of my hon. Friend (Mr. W. M. Torrens), in which he stated that the great merit of the Resolution which he invites the House to adopt is this, that it enables all Gentlemen who may support it to retain—and to cover under the use of the same general phraseology—their own particular opinions, whether in accordance or not, and at the same time to present to the country an appearance and a promise of doing something for the relief of distress. Now, Sir, I put it confidently to the House that that method of proceeding is not worthy of the House of Commons. I am bound ingenuously to say on my own behalf and on that of my Colleagues we can be no parties to that method of proceeding. We have a very grave question to dispose of to-night—very grave in regard to the distress which we all so much deplore, and very grave, also, with regard to the practical question it involves—namely, the proposal that we shall exhibit in the face of the country a promise to check pauperism, not merely to relieve the distress of the moment, but to check pauperism, to arrest its increase, and to relieve the distressed condition of the working classes by measures which are to be adopted for facilitating the emigration of poor families to the British Colonies—not for facilitating the emigration of poor families generally — not to send these poor families wherever they may themselves wish to go—not to send them to countries where they are likely most to thrive, or may think themselves most likely to thrive, but to the British Colonies. Well, it is admitted—and I am glad it is admitted—that this is an ambiguous Resolution. When a Government accedes to an ambiguous Resolution, who is to be the interpreter of that Resolution hereafter? Would we not, by accepting it, be laying the ground for every kind of misunderstanding and mutual recrimination? It is idle to say that this Resolution is vague, because it is not the business of a Member of Parliament to elaborate the details of a scheme. Certainly, it is not their duty to elaborate the details of a scheme. But we are not speaking of details at all; we are speaking of a basis of a scheme, of an idea of a scheme; and I challenge any man who has sat in this House during the present debate to say that the idea of a scheme has pervaded the speeches of the supporters of the Motion of my hon. Friend. I will not say so. Will my hon. Friend say that one idea, with regard especially to the principle and basis of these measures which the Government is to be ordered to take, has run through the speeches of those who have supported him? He knows it has not. One speaker has suggested local rates as the means by which the emigration should be promoted; another that it should be supported out of the Consolidated Fund; another by aid of voluntary societies; another that it should be carried out in conjunction with colonial Governments, and that inquiries should be made of colonial Governments whether they are themselves disposed to undertake a system of emigration, and to give the security and guarantee of their public faith for the grants that may be required to enable emigrants to go into their lands. But these four suggestions are four distinct and separate ideas. It will not, in my opinion, be agreeable either to the dignity of Parliament or even to the terms which a Government is entitled to expect in receiving orders from this House, that—supposing my hon. Friend induces a majority to support, which I will not anticipate — the majority giving such orders should be composed of four sections, having four different meanings, none of them giving us any guide or clue or authority by which to choose between them, and yet casting upon us the responsibility of finding measures to facilitate emigration, and of bearing the bitter disappointment which would follow any unpopular measure. Now, we are about one of the gravest of all subjects, and that is a proposal to support individuals at the expense of the community, individuals who are to be supported at the expense of the community, but not for duties done to the community. Even the principle of the Poor Law, if you scrutinize it closely, presents the gravest difficulties to the philosophic mind. But these difficulties are neutralized in practice by great and cardinal considerations. One of these considerations is that the funds are supplied from local levies in each neighbouring county, and the other is that, being so supplied, a sentiment of honour and a sentiment of shame operating powerfully on the public mind, create a revulsion against and a loathing of pauperism, and impose a salutary check on invasions which, if that revulsion did not exist, would make the most serious inroads, not only upon property but upon what is more valuable still, the self-respect, the morality, and the independence of the people. So much for the Poor Law; but what becomes of those restraints when it is proposed, as my hon. Friend the Member for Finsbury (Mr. W. M. Torrens) does—for I must own he does not disguise his plan —to enter into "a splendid speculation" of general emigration—20,000 a year, I think, in Australia, and I am not sure whether it was 20,000 or 40,000 in Canada? [MR. W. M. TORRENS: 40,000 in Canada and 10,000 in Australia.] I thought that although in the first instance he named 10,000, there was another 10,000 in the rear. Now, it is quite plain if these things are to be done by the Government they must be done out of the Consolidated Fund, and I want to know if this great operation of pensioning and paying a part of the community at the expense of the rest is to be so done, what becomes of those safeguards and restraints whereby, and whereby alone, the evils of a Poor Law can be effectually checked? But my hon. Friend did not, I think, accurately represent the language, certainly not the meaning, of my right hon. Friend the Under Secretary for the Colonies, when he charged him with having described the emigration from Ireland after the famine as a spontaneous emigration, and when, availing himself of the double meaning of the word, he ridiculed the idea of the emigration which took place under the pressure of that terrific want being spontaneous. I am not quite sure that my right hon. Friend used the word; at all events, my memory does not assure me of the fact: but if he did, his meaning was evidently not that it was an emigration undertaken as a matter of luxury or preference by the persons emigrating, but that it was an emigration that was self-supporting, and therein we have the solution of some very animated passages in the speech of my hon. Friend. And, as was shown by my right hon. Friend, self-supporting emigration is a far greater power than Government emigration. It is idle to speak of these "splendid speculations." You will never be able to carry them into effect, for the evils attending them would be so gross and monstrous, if ever you commenced them, that before a year had elapsed Parliament would begin to retrace its steps. But, in the meantime you would have paralyzed that system—a power almost incredible—by which in times of the greatest difficulty—aye, and at this moment, which is a time of difficulty—a large relief is afforded to the overstocked labour markets of this country. The right hon. Gentleman has told us that £15,000,000 were supplied from voluntary and private sources to the Irish people. Does anybody suppose it to be within the limits of possibility that such a sum could be drawn from the Exchequer of this country for purposes of emigration? But can you have both together? [Mr. W. M. Torrens: Hear, hear!] My hon. Friend believes it. I entirely disbelieve it. I want to know who is there—I would almost say within this House; but certainly without it—who, when he finds he can have a particular thing done on his behalf by the public, will go and pay for it himself? I am delighted to find that my hon. Friend is able to cheer himself with such golden visions. But for practical purposes the principle upon which we must go is this—that before undertaking to provide from the public purse large supplies of money for special purposes, we must ask ourselves what the effect of that measure will be upon the funds now voluntarily provided from private sources to meet that want. The hon. Member for North Warwickshire (Mr. Newdegate) in, as I think, the very moderate and candid speech which he made, admitted the evils of State emigration, but said—and it would be a serious charge against us if it were correct—that the Government would do nothing. Now, Sir, our opinion is that the powers of Government in this matter are limited—that it is not possible, as far as our limited understandings go, to lay down any grand scheme under which vast operations for the transport of human beings can be made in a satisfactory manner to the unsettled places of the earth. But we have never said, or thought, or acted upon the principle, that Government under no circumstances could give assistance to emigration. We are not acting upon such a principle at this moment. Within the last twenty-four hours, my right hon. Friend the First Lord of the Admiralty has described within this House a plan of emigration perfectly rational, and in some degree analogous to the one mentioned by the hon. Member. He stated that certain troop-ships belonging to Her Majesty would be employed for the purpose—without, in the first instance, deviating from the course which their duties would require them to follow—of carrying out emigrants from this country to British North America. Preference would be given to the persons and relatives of the persons discharged from Her Majesty's dockyards; but if the number of those persons desirous of emigrating was not sufficient to fill those ships, there would be no objection to other classes of emigrants having the benefit of the spare room in those vessels. And the noble Lord the Member for Middlesex (Lord George Hamilton) urges upon us the necessity of negotiating with the Colonies. But Lord Granville, during this distress, has caused inquiries to be made from the Colonies with reference to the very purpose contemplated and suggested by the noble Lord—namely, to ascertain how far the Colonies are disposed to give the security of their own public faith to insure the repayment of such public monies as may be employed in promoting emigration. I really feel so much the candour of the speech of the hon. Member for North Warwickshire that I am desirous of showing him plainly that he did not do us justice in stating that we acted or professed to act upon the principle of doing nothing. With regard to the provision for the emigration of persons at the expense of local funds, and through the medium of the Poor Law Guardians, I may mention that my right hon. Friend the President of the Poor Law Board has within a short time been engaged in communicating with agents of the Colonies, in order to see how far it was possible by that means to overcome some of the difficulties attending such a scheme of emigration. Again, it has been said, in the course of this debate, that the Government have means of information with regard to the Colonies which is not within the reach of private individuals, and that we could if we chose enable everyone who is possessed of any learning to ascertain in the most authentic and simple form to what portions of the Empire or the globe he could best direct his steps. But that is the systematic object which has been pursued by the Emigration Commissioners for, I believe, upwards of thirty years. I know the hon. Member is quite incapable of making a charge which he does not believe to be strictly and literally true, and therefore I am sure he will excuse me if I state that the complaints he made had no foundation in fact. We are perfectly ready to enter into the consideration of anything definite and practicable; but we do object to be committed to proposals which are indefinite, and with respect to which we have no means of measuring or appreciating the amount of responsibility we should undertake. Two hon. Members, whom I may be allowed to call young Members — and promising young Members — of this House, the noble Lord the Member for Middlesex (Lord George Hamilton) and my hon. Friend the Member for West Kent (Mr. J. G. Talbot)—have censured us for being very unfeeling because we did not advise a passage to be inserted in the Queen's Speech expressive of sympathy with the existing distress. Well, Sir, that matter was not overlooked, and we were governed partly by reference to practice, and partly by reference to principle and our own idea of what was right. With regard to precedent, I think I may challenge either of those two Gentlemen to produce to me any instance in which in a similar case notice has been taken of distress in the Queen's Speech. Permit me to say that it is a thing which ought to be very rarely done. It is very easy to insert fine passages in Queen's Speeches. If we were disposed to cultivate popularity at the moment, without regard to the future, it might no doubt be done by the use of such high-flown passages. Instead of putting some high-flown epithets in the Queen's Speech about the distress in the country we thought it much better to give the people an assurance of our concern in a different shape—namely, by promising measures, and devoting ourselves to the preparation of measures, which, in our opinion, would go right down to the root of the social system, and lay the foundation of a better future for the people of England. Sir, it must be recollected that those declarations in the Queen's Speech undoubtedly produce a most pleasing and soothing effect at the moment, but they are like the medicines given occasionally for a special purpose by skilful physicians in the course of a disease—not for the purpose of curing, not for the purpose of mitigating the disease, not for the purpose of improving the condition of the patient, occasionally even with the risk of deteriorating it, but for purposes which are necessary at the moment, and though we might have secured the public favour by indulging in expressions of this kind we should have done nothing by means of such expressions towards relieving the distress which undoubtedly exists. I have endeavoured to show that it is not true we have refused to do anything; that it is not true we are doing nothing in this matter; and I say to those who wish us to do more, without presuming to say that what we have done is precisely the right thing, or that nothing can be added to it, that I respectfully and absolutely decline to undertake the kind of responsibility which the Motion of my hon. Friend would suggest. I frankly admit that we are perfectly ready to entertain any proposal likely to be beneficial, if it be within the range of our power to carry it into effect. But it happens as an incident of modern civilization that sores and sufferings which in ancient times were not generally known are now brought to light, for great vicissitudes mark the industrial condition of society; and we pass rapidly in a series of cycles from periods of great prosperity to periods of sharp distress. At these periods of sharp distress the minds of men, especially where a representative system prevails, are hard driven to find an immediate remedy, and from time to time it has always happened that this subject of emigration has been discussed; but it is certainly remarkable, it is certainly instructive, to review the course of affairs in this respect. The difficulties of the labouring classes have been keenly felt ever since the Peace of 1815; and since that time the minds both of intelligent speculators and of responsible statesmen have been directed to the discovery, if possible, of some systematic and extended emigration as the means of affording effectual relief to popular suffering. But the endeavour has never succeeded. It has never been found practicable to adopt the splendid speculation of wholesale emigration. And yet what periods have we passed through? We have passed through periods of distress certainly much more severe than the present in the sense of being more uniformly extended. Do not let it be supposed that I attempt to underrate the severity of the distress which prevails. But I venture to assert that it prevails only in particular parts of the country —in the metropolis especially, and also, I believe, in the county of Lancaster. It was with reference to this view that I said it would be difficult to find in former Queen's Speeches any allusion to distress, unless it were of a character wholly exceptional and of universal prevalence. That this is not a distress of universal prevalence is clear beyond all doubt, because there is one criterion that never fails and never can fail, and that is the state of the national Revenue. When distress prevails largely among the mass this is told at once in the yearly, monthly, and weekly returns of the public Revenue. Anybody who will pay attention to the figures, by a new arrangement recently made public, will see that they at once negative the assumption that any such state of general and extensive distress prevails. Just see what the periods have been through which this country has passed without any attempt to bring into play that great engine of wholesale State emigration—for it is against that I am speaking. There is, first, the Irish famine. The whole subsistence of a people was taken away, and that people the very poorest of the people; they were suddenly left to their own resources. The sources and origin of that mischief were not connected, or, if at all connected, were connected only in an indefinite degree with any want of individual forethought on the part of the Irish people —for, although we may say that there was a want of national forethought in Ireland which led to the wide extension of the potatoe culture—yet, speaking in the plain and practical sense of the motives which operate upon individuals, the Irish famine was not connected with causes that the existing generation in Ireland had anything to do with creating, or could have done anything to avert. And yet, though that was so, and though the statesmen of that period were most anxious to bring into play, if they could have done it, this method of relieving afflictions by the resources of the State applied to emigration, they receded before the difficulties of the case. You do not feel these difficulties in debate; you do not feel them at the time when men have nothing to do but to point to a surplus of labour as compared with capital in one country, and a surplus of land as compared with cultivators in another; it is when the question comes to be closely faced, and the consequences of the steps about to be taken come to be weighed and examined, that the difficulties are appreciated which, in the case of the Irish famine, prevented the use of the monies of the State. Most happy it was for Ireland, and for all concerned, that those difficulties did prevent it, for the consequence was—I give no opinion as to the present Irish emigration one way or the other; but, at that period, the consequence undoubtedly was that a great and effectual relief was afforded by self-supplied means in a manner and to an extent such as it would have been impossible to draw from the general taxpayers of the country. For, after all, it is not the wealthy men of the country who pay the taxes of the country. Our system of taxation is founded upon this principle, that if you want millions, you must tax millions. In former times an extravagant share, but now a full and fair share, was paid by the labouring classes into the Exchequer. We are told that immediately above the paupers, there are those who are very nearly paupers, and so it always has been, and among the taxpayers whom you charge for the relief of those paupers, there are those who are in want of relief themselves. After the Irish famine, we come to the Lancashire famine. That was a case, the most touching, probably, that ever occurred, because it was entirely singular and abnormal as the Irish famine itself. The people of Lancashire were, in no sense, responsible for the distress that fell upon them. Prudence and forethought on their part could have done nothing to relieve them from the privations and miseries they had to suffer. And although that was so, and they were crushed to the ground, never did they come to this House to supplicate for one farthing of public aid, Is this metropolis so much less wealthy than Lancashire, has it so much less public spirit, does it lack that spirit of cohesion between the different ranks and orders of society that made the great county of Lancashire marshal itself as if it had been an army, only not an army for the purpose of destruction, but for the purpose of saving human life and mitigating human suffering? Rely upon it that, if the question of public emigration had been the easy and simple matter which my hon. Friend supposes it to be, and some Gentlemen in the other parts of the House like him, we should not have passed throughout all these great and extraordinary crises without having brought into play the engine he now wishes us to make use of. You cannot expect that, while one portion of the people are sent out at the expense of the community, you will find another portion in the same circumstances ready to go out at their own expense. They will either stay at home, or demand—and they will be entitled to obtain—the same aid as you give to their friends. With regard to the choice of persons, we are not able to see our way through the difficulties so easily as my right hon. Friend. And it is, in point of fact, this very difficulty which has intercepted any extensive working of those provisions of the Poor Law system which allow the Guardians to arrange for the emigration of the poor. Whatever is done through public rates is suspected by the Colonies, and though the letter of the law does not restrict the action of the Guardians to paupers, you may depend upon it that you cannot induce your Colonies to receive persons whom you desire to send, or over whom they will not have effectual control. That is the difficulty which confronts my right hon. Friend (Mr. Monsell) and others in their endeavours to make arrangements, and any guarantee as to loans which might be given by the Colonies would at once place in their hands the right of choice as to emigrants. I would put this view to my hon. Friend. He said he would not send out paupers; on that point he was most distinct. But in the most impassioned portion of his speech he also said that, within earshot of the walls of this House, there were myriads of persons who did not know how to find means of subsistence for next week or the week after next, and who were looking anxiously to this House to find a remedy such as that pointed out in the present Motion, and who would be bitterly disappointed if this were not adopted. How does my hon. Friend, with all his ingenuity, draw a line between the condition of those persons who know not, he says, where to find means of subsistence and those paupers whom the Colonies are unwilling to receive? It may be clear to his mind, but it will be very difficult to make it clear in public despatches, or in rigidly-worded documents, such as the Colonies will have a right to demand. Having overcome the difficulty of choice, the next question is as to destination. If our fellow-citizens have a right to come to us in their distress and to claim to be exported from this country in order that they may gain a means of livelihood which now they do not possess, I own it seems to me a most questionable exercise of power—aye, an exercise of power which it is impossible to defend—to say—"We recognize your destitution and our obligation to relieve it, but we insist upon your going to British Colonies." An enormous proportion of the former emigrants—three-fourths, I believe—proceeded to the United States. Of those who wish to go we may assume that the proportion would be about equal. It is not a way to make them love the British Empire to put them under this constraint, and to refuse them the relief which my hon. Friend says is necessary, except upon a condition which, if arbitrarily imposed, would be fraught with the most serious embarrassment. But here, after all, is the question. We are asked to recognize—I think for the first time—the principle that we are to send out not the class which is most destitute, for my hon. Friend repudiates the notion of sending out paupers; but that from a class above the paupers, another class of the population is to make selections and to send these persons out to a foreign country. I should like to know where that is to stop? That is a door much easier to open than to shut. I do not hesitate to say that I think among the supporters of the Motion there is a large amount of mistake as to the desire to go abroad which is supposed to exist in the minds of the English people. My belief is that the English people desire to stay at home. Then you say—"These people are in want, and you are going to relieve their want by giving them the means of emigration." Now, I understood that at most of the meetings of the working classes—I will not say got up, but held for this purpose—to promote plans of State emigration, a considerable counter-current was visible. And it has been said with great force—"If you are going to pay to send us abroad, give us the money, and let us stay at home; a year or two ago there was abundant demand for labour, and we were all very well off. We love old England; we do not want to become Yankees, or in the phrase which is sometimes irreverently used of our Canadian fellow-subjects—'Bluenoses.' We wish to stay at home; allow us to enjoy a little pension, and let us wait until the wheel of fortune turns round again; allow us to have a voice as to the manner in which we should begin to get contented, and instead of going away we shall be at home to support the law and the Throne as British citizens." I must say there is another difficulty I cannot get over. It does not apply to self-supporting emigration—it does not apply to emigration carried on by voluntary means; but I want to know, if the State is to send forth its agents all over the country, and to ask A, B, C, and D to emigrate, or to say to them—"If you wish to emigrate, here is the money for you; there is the ship at Liverpool or Bristol," how are we to escape future responsibility for the condition of those men? I must say, before we are called on to pass a Motion which unquestionably, at any rate, will bear the sense if it does not require the application of State funds to emigration, we ought to know how that difficulty is to be met. It is impossible for us to be responsible for the future condition of these men. But if we are justified in transporting them to another country, and casting them on the strand of a foreign land, and saying—"Go, and take care of yourselves," these circumstances have not been adequately considered. But they ought to be considered. They are the very points that have met, exercised, and baffled in former times the minds of the acutest men who were desirous as you are to employ this engine of State emigration; but, unlike you, being placed in circumstances and positions of responsibility, were terrified and daunted by obstacles which they found it impossible to overcome. Now with regard to foreign Powers. I have said it would be difficult to limit this emigration to the Colonies, but in regard to foreign Powers I really know not how it is to be conducted. From one great foreign Power we have already very distinct intimations. When it was proposed to send some emigrants from the rates to the United States of America, we had distinct intimation from the agents of that Power that they would rather be excused from receiving them. Well, Sir, I hope this House will think there is nothing unreasonable in the principles I have laid down. We are perfectly ready to entertain from time to time any proposal made which seems to us to afford a fair hope of making practical progress, for purposes we can measure and for consequences we can foresee; but to these wide and general promises—these proposals to carve out, as it were, new portions of our people, and saddle the expense of recasting their fortunes on the rest of the community—above all, to do this by means of an ambiguous Resolution, which may be interpreted as suits convenience, but of which we know that the worst and most dangerous interpretation is that which must ultimately prevail—to such a Resolution we most respectfully, but most distinctly, must decline to accede.

MR. R. TORRENS, in reply, said, he had been asked by his right hon. Friend to point out any one general idea pervading the discussion which had arisen. He found no difficulty in doing so. The fundamental idea was that Government should aid emigration to the British Colonies. The right hon. Gentleman had referred to the difficulty of carrying on negotiations with foreign States as to their reception of emigrants from this country, and had denied that the Legislature had a right to interfere in such a matter. That was a sufficient and broad ground for limiting the proposition to the facilitation of emigration to the British Colonies. The right hon. Gentleman stated that emigration, aided by the Government, would put an end to voluntary emigration; but emigration aided by the State had tended more than anything to promote voluntary emigration. The right hon. Gentleman had put forward as an insuperable obstacle the difficulty of discriminating between a pauper and a struggling labourer, who had done his best to keep from pauperism, and had supported himself and his family by honest labour. He (Mr. Torrens) did not think that any person who was conversant with the working class and with the pauper class would experience any difficulty whatever in discriminating between an habitual pauper and a hard-working labourer, who in one sense might be considered a pauper. The Resolution had been called vague, and yet it had been said that it pledged the Government to some specific course. He conceived it to be the duty of an independent Member not to dictate any special course as that which should be adopted to carry out a matter of general policy, but merely to seek to obtain a recognition of that policy, leaving it to the Government to devise the means of carrying it out. The Secretary to the Colonies said emigration should be left to natural causes. He (Mr. Torrens) was not aware that he could find any good result from leaving things to natural causes. The duty of the Government, the duty of statesmen, was to take natural causes and guide them into a channel in which they would be useful. He firmly believed the emigration he had proposed to be the best and indeed the only means of relieving the distress of the working classes, and he felt it his duty to press the Motion.

Question put.

The House *divided*:—Ayes 48; Noes 153: Majority 105.

PRISONS AND PRISON MINISTERS' ACTS.

MOTION FOR A SELECT COMMITTEE.

MR. MAGUIRE rose to move for a Select Committee to inquire into the operation of the Prisons Act and Prison Ministers' Act, so far as respects the religious instruction provided for prisoners other than those belonging to the Established Church. There was a strong feeling that fair play was not done at present with respect to prisoners of the class to which his Motion had reference, and the best way of settling that matter would be to submit it to a fairly constituted Select Committee.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation of the Prisons Act and Prison Ministers' Act, so far as respects the religious instruction provided for prisoners other than those belonging to the Established Church."—(*Mr. Maguire.*)

MR. NEWDEGATE said, the hon. Member for Cork had been exceedingly brief in his observations, but he was not much surprised at that. He knew that the hon. Member was labouring under the difficulty of having no case to make out. That Motion was merely a phase of an agitation which had been carried on not only in that House, but also in the Middlesex Quarter Sessions, ever since the Act of 1853, the Prison Ministers' Act, came into operation. The object of the hon. Member was well known; and it was one that, if carried out, would throw serious difficulties in the way of maintenance both of discipline and of religious freedom in prisons. The object was to vest in the Roman Catholic Bishops the appointment of Roman Catholic chaplains to the English gaols absolutely, and to a great extent the treatment and discipline of the Roman Catholic prisoners. The magistrates were at present bound to provide the ministrations of a priest, whenever a Roman Catholic prisoner required his attendance, and the priest had a right, after a prisoner was entered as a Roman Catholic, to demand access to the prison. The Act as it at present existed was therefore based upon the most complete acknowledgment of the principle of religious freedom; that principle could not be more fully secured than by the present law. The reason of the hon. Gentleman's brevity in moving for that Committee was that he (Mr. Newdegate) believed, that he had not any one real case of religious intolerance on the part of the magistrates to adduce. No complaint had been made on behalf of any denomination but the Roman Catholics. The real object of the Motion was to take away the religious freedom of the prisoners, and the discretion of the magistrates. It raised a very grave question as to who —if the House should be pleased to give an unqualified right of access to the priest—was to be responsible for the discipline of the prison. The priest was directly under the authority of his Bishop, and if the Bishop required him to interfere with the discipline of the prison, who would be able to prevent him? He strongly objected, therefore, to the removal of the security, which the Legislature had provided alike for the freedom of religion and the discipline of the prison, by the interposition of the jurisdiction of the justices, or rather by the retention to them of the function of controlling the discipline of the prison and all concerned therewith. The present moment was moreover singularly inopportune for the raising of such a question. They knew that the Governments of France and Austria anticipated that decrees would emanate from the Council, now sitting at Rome, so intolerant, so arbitrary and subversive of the civil power, that it was believed they would forbid the publication of those decrees altogether. He asked the House whether, with these facts known upon the Continent, that was an occasion upon which it would be prudent to sanction interference with these securities for religious freedom which had been devised by the Legislature.

Mr. BRUCE said, he would not offer any opposition to the Motion, because it was unquestionable that there existed on the part of the Catholics an impression that they were not fairly dealt with. While in some instances magistrates had exercised their power to appoint chaplains where there was a large number of Roman Catholic prisoners, in others they had left prisoners to voluntary ministrations; and it was asserted, he believed with exaggeration, that obstacles had been thrown in the way of the performance of voluntary duties. The Government was not prepared with a measure of its own upon the subject, and, under the circumstances, he thought the question was eminently one which should be referred to the examination of a Select Committee.

Question put.

The House *divided:*—Ayes 80; Noes 24: Majority 56.

Mr. Newdegate

And, on March 15, Committee *nominated* as follows:—Mr. Knatchbull-Hugessen, Sir John Pakington, Mr. O'Reilly, Mr. Walpole, Viscount Enfield, Mr. Robert Fowler, Mr. Downing, Mr. John Talbot, Sir John Trelawny, Mr. Dimsdale, Mr. Matthews, Mr. Arthur Guest, Lord Pelham, Mr. Hutton, Mr. Synan, Mr. Holt, Lord Henley, Mr. Dalrymple, and Mr. Maguire:— Power to send for persons, papers, and records; Five to be the quorum.

TRAMWAYS BILL.

LEAVE. FIRST READING.

Mr. SHAW-LEFEVRE, in moving for leave to bring in a Bill to facilitate the construction and to regulate the working of Tramways, said, the House would not require excuse from him for bringing before them the subject of tramways. Hon. Members must be aware that there were before them numerous Private Bills asking powers to lay down tramways in the streets of our principal towns. In all, there were twenty-seven companies asking for such powers over 515 miles of road, with a capital of £4,000,000. For London alone there were seven companies seeking these powers over 125 miles in some of the most important streets; while others had in contemplation systems of tramways for Manchester, Liverpool, Birmingham, Leeds, Glasgow, Portsmouth, and Plymouth. Now, previous to this year, as far as he was aware, only six private Acts had been passed authorizing tramways. Of these, three companies had obtained powers to lay down and work tramways in London south of the Thames. Tramways had also been established, and were now at work, in Liverpool, Birkenhead, and Salford. Those in London were not yet complete; that at Liverpool had been at work for some months, and was in every way a success. Those for London were authorized last Session after a most careful inquiry before a Committee presided over by his hon. Friend the Member for North Hants, and although an attempt had been made to show that the Committee authorized the making of those tramways as an experiment, he was assured by his hon. Friend that that was not the case, that the Bills were passed on their own merits, and under the full belief, founded upon the evidence, that they would be a success, and would be a great convenience to the public; and if anyone would take the trouble to read through the evidence adduced before the Committee as to the working of tramways laid on the improved principle in most of the leading cities of Europe, and particularly at Berlin, Vienna, Brussels, Copenhagen, Geneva, and other places, to say nothing of their universal use in America, he could not fail to come to the conclusion that in proper places, in streets which were suited for them, they were most desirable, and a great convenience to the public. The evidence, indeed, seemed to him to establish that the more crowded a street was, and the greater the traffic of all kinds, the more useful and important was the tramway, subject only to this, that the street was wide enough to afford room for other carriages to pass on both sides of the tram. Subject to that, the tramway appeared to have the effect of regulating the traffic by sending it in straight lines, and by affording relief to all those vehicles which, although not fitted with flange wheels, could use the rail with their ordinary wheels. There could also hardly be a doubt that safety was insured by this regularity, and also by the easy means of stopping the cars by break power. Of the economy in horseflesh, and of the greater comfort to passengers in the tramway car, it was really unnecessary to speak, the only point open to doubt was the possible ill effect on private carriages of the rail protruding above the level of the street; but the rail now being laid down in London, and which was laid at Liverpool, was not open to the same objection on this score as that laid by Mr. Train some years ago, and which was universally condemned. It was, doubtless, in view of these facts, that the numerous Bills now before Parliament had been promoted, and he thought it was impossible to deny that tramways in certain streets or roads were not only desirable but inevitable, and that the question in what street or road was one of degree and of public convenience. In fact, it appeared to him that the principle of tramways must be admitted, and that the only questions were by whom they were to be made, what control local authorities were to have power over them, subject to what terms as to fares and dividends and repurchase by local authorities, and to what streets or roads they were suitable. He believed the opposition to these Bills would not be against their principle; but on the part of local authorities to the effect that they did not wish to part with the control over their streets, and that they were prepared themselves to undertake the task of laying down and repairing the tramways in the streets, and of letting them on lease to private omnibus companies on charging tolls for the use of them. He had received deputations during the last few days from the municipal authorities of Manchester, Leeds, Birmingham, Salford, and Stockport, to that effect, praying that they might be allowed the opportunity of making tramways themselves. There were also a variety of other questions affecting tramways—such as the relation of the companies (if they were to be made by companies) to the road authorities, the conditions under which other persons were to be permitted to use the trams, and the terms on which the local authorities were to have power to purchase—which required considerable care and consideration. Those questions were all more or less dealt with by the Committee of last Session, and for the most part the clauses inserted in the Acts appeared to be reasonable and proper; some of them, however, and particularly that as to purchase, seemed to him to require reconsideration. The clauses inserted in the Acts of last year had all been copied in the Bills now before Parliament, and it would, of course, be possible to send all these Bills to Committees, subject to the chance of conflicting decisions and imperfect inquiry which attend such inquiries. But it had seemed to the Board of Trade that the present was an occasion which might never occur again, for laying down, after due and careful inquiry, the general conditions under which these tramways might be made, by whom to be made, repaired, and worked. They were at the commencement of a great movement in favour of tramways, and if they neglected this opportunity, it might never recur. The questions he had alluded to were also independent of the more narrow question whether the streets or roads indicated for tramways in the particular Bills before the House were such as were reasonably suited for that purpose, and ought, therefore, to be discussed and determined apart. In this view, then, it had seemed to the Government better that the general questions of policy, whether local authorities should be permitted to make tramways, and what should be the conditions of working them, and, if by companies, what should be the terms of concession, should be discussed and determined before the Bills now before the House were proceeded with. He had therefore prepared a measure dealing with these questions, so far as it had appeared proper to the Board of Trade, and if the House approved, he would propose to refer this Bill to a general Committee, and in the meantime to suspend further proceedings in respect of the Private Bills. The Bill which he should lay before the House would propose three methods of making tramways. Under the Bill local authorities might obtain the consent of the Board of Trade to make tramways themselves, and having made them, to charge tolls for the use of the same, or lease them to companies subject to conditions to be laid down in the Bill; or they might obtain a certificate from the Board of Trade for making the lines, and, having done so, grant a concession for making them to a private company; or, thirdly, companies might, with the consent of the local authorities, obtain a certificate for making tramways, In all cases the certificate issued by the Board of Trade must be laid before Parliament (as was now the case under the Railways Construction Facilities Act), and would not be valid until six weeks after so being laid before Parliament. Parliament would, therefore, have the opportunity of considering the merits of any scheme, should it be thought desirable. Another portion of the Bill would contain all those clauses which appeared to be desirable for the purposes of regulating the working or use of tramways, and, in the case of companies executing or purchasing the works, would lay down the terms on which local authorities would have power, after twenty years of purchase. He might mention here that the clause for purchase under the Acts of last year appeared to him to be so drawn as really to make it impossible for any local authority to carry it out. They included in the purchase-money to be given for the undertaking not only the value of the tramway and of all the property and premises of the company, but also goodwill and prospective profits. In the clause which he should submit goodwill and prospective profits would be excluded, the local authorities would have the right to purchase after twenty-one years, on payment of the actual value of the tramway and the other property of the company necessary for working the same. The only question which could arise upon this was whether capital could be raised upon such terms. He could not, for his part, doubt that it would, the more so as he had inserted no limitation of dividend in the interval, and no compulsory lowering of fares. Another point in which they had thought it right to make a change was to the effect that all companies obtaining certificates should be registered as ordinary joint-stock companies, so as to avoid the complications and difficulties similar to those which now attended railway companies under their private Acts. It was not, however, necessary that he should go at length into these clauses, the less so as he proposed to refer the consideration of them to a Committee. It would be seen that although they pointed out the means of obtaining powers to make tramways, which would avoid the expense of Parliamentary applications and contests before Committees, yet they did not propose to shut out the access to Parliament to those who might think proper to resort to this process, and there might be cases in which it might be the more desirable course; but in such cases, if they obtained Private Acts, they would be subject to the clauses of the general Bill, in the same way as Railway Bills were subject to the Railway Clauses Act. Now, although the Bill would give power to local authorities to construct tramways—but not, of course, to work them—yet he believed that, as a general rule, they might look forward to the tramways being constructed rather by companies than by municipal authorities; but there was a process under this Bill, which he had already alluded to, which he thought might with advantage be resorted to by municipal authorities, who wished to have the general control over the laying down. It was that which would enable local authorities to apply to the Board of Trade for a certificate for tramways upon a general system within their district, and, having obtained the necessary powers, to sell or lease the concession to a company or companies. Under this provision a corporation would have the power to lay down a general plan for tramways, and then to offer it as a whole or in sections to competition. The consent of the Board of Trade would be necessary for any such transaction, and the principle to be acted upon in such cases appeared to him not that very great profits should be made by the ratepayers, but that the public should gain as much as possible by lowering the fares. He did not think that profit should be made by local authorities out of tramways at the expense of the general public, for whose use they were intended, and more good was to be arrived at by lowering fares than by reducing local rates. This was a principle which was not laid down in the Bill, but would be left to the Board of Trade to carry out in its application of the Bill. In conclusion, he had only to repeat that he proposed to lay this Bill before a Select Committee constituted with special reference to this important subject, and to whom full opportunities would be afforded of discussing these clauses and amending them if the Committee should think fit; and, in the meantime, he should ask the House to suspend the second reading of the Private Bills now before them. The hon. Member concluded by moving for leave to bring in the Bill.

Mr. PEASE expressed his cordial approval of the course proposed by the Vice President of the Board of Trade, and his belief that if such a plan had been in existence last year, the tramways now in course of construction would not have been laid down in the way they were now being laid down.

Mr. SCLATER-BOOTH observed, with respect to the Bills passed last year, that the vestries of the parishes through which the tramways passed were unanimous in their approval of them. But he thought the hon. Gentleman had exercised a wise discretion in introducing the present measure. He did not think that in respect of tramways London stood on all-fours with any other town. He did not believe it would be expedient to construct tramways in the crowded thoroughfares of the metropolis. Last year the Committee appeared to take that view; for, as regarded the metropolis, it confined the tramways to certain open roads. The rights of the owners of frontages on the streets through which the tramways passed would have to be considered. The effect of the Bills of last Session was that one-third of the repairs of the roads was to be undertaken by the companies constructing the tramways, and the vestries, naturally enough, agreed not to oppose these Bills, without any regard for the rights of others. It should also be borne in mind that those who advocated the tramways were the people who now travelled in omnibuses, whereas a large number — he supposed the majority— travelled in cabs and private carriages. The scheme would work well in other towns; but the difficulty of carrying these tramways through the crowded thoroughfares of the metropolis would be very great. He trusted that the means of removing this difficulty would be found in the Bill.

Mr. LOCKE said, he thought a Bill of this nature was absolutely necessary. Many of the tramway schemes of last year were very objectionable from the fact that they were intended to run along thoroughfares on the other side of the river, which were very narrow; but he was glad that, under the present scheme, that would not be the case. One thing which would need to be looked after was as to whether the tramways should run along the centre or along the sides of the streets, and it would be very objectionable to allow them to run along the sides. The coal merchants and others were very anxious that they should not be laid down at the sides of the streets, as their waggons would then be unable to draw up close to the footpavement, and it would be impossible to deliver coals and other heavy goods. Many of the tramways authorized under the legislation of last year were not yet completed or near completion, which was somewhat extraordinary considering that last year legislation was pressed forward on the ground that not a moment should be lost in carrying out the scheme. It was said that Train's tramways were a complete failure; but it was not yet known from experience whether the tramways authorized last Session would be more successful or not. If tramways could be laid down in wide thoroughfares, it should be on the outskirts of the metropolis, and not in the heart of this great city. A tramway along Oxford Street, for instance, could not fail to be a nuisance instead of an improvement. It would be very desirable, before any decision was given by the vestries, that they should see one of these tramways in a working state, with the carriages in motion.

Mr. W. H. SMITH, on behalf of his constituency, tendered his thanks to his hon. Friend for the measure he had introduced. The greatest care, however, would be necessary in laying down these tramways in the crowded streets of the metropolis. Some alarm had been expressed by the owners and occupiers of frontages in streets like Oxford Street at the prospect of the road on both sides the street being occupied by tramways. The Bill would be a boon to the metropolis, in so far as it would prevent the necessity for vestries appearing before Committees of that House in the case of every separate Tramway Bill. This would be avoided by placing tramways, as now proposed, under a general Act. It must be remembered that a great part of the traffic of the metropolis was slow traffic, and it would be necessary to give facilities for the slow as well as the rapid traffic, otherwise great injury would be inflicted on the mercantile interests of the metropolis.

Mr. AYRTON said, he thought the metropolis would be better protected by the arrangements of this Bill than they could be in any other way. His belief was that the interests of the ratepayers would be promoted by the Bill, and that much public money would be saved by it. When the Bill went before the Select Committee after its second reading he had no doubt it would be adjusted so as to give general satisfaction.

Motion *agreed to.*

Bill to facilitate the construction and to regulate the working of Tramways, *ordered* to be brought in by Mr. Shaw Lefevre, Mr. Stansfeld, and Mr. Ayrton.

Bill *presented,* and read the first time. [Bill 54.]

REGISTRATION OF VOTERS BILL.

On Motion of Mr. Dodds, Bill to amend the Laws relating to the Registration of Parliamentary Voters in Counties in England and Wales, *ordered* to be brought in by Mr. Dodds, Lord Eustace Cecil, Mr. Pease, and Mr. Andrew Johnston.

Bill *presented,* and read the first time. [Bill 53.]

SALE OF LIQUORS ON SUNDAY BILL.

On Motion of Mr. Rylands, Bill to extend to the whole of Sunday the present restrictions on the Sale of Beer and other Fermented or Distilled Liquors, *ordered* to be brought in by Mr. Rylands, Mr. Candlish, Mr. Birley, and Mr. Osborne Morgan.

Bill *presented,* and read the first time. [Bill 57.]

Mr. Locke

MERCHANT SHIPPING BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to repeal divers Acts relating to Merchant Shipping, Navigation, and the Board of Trade.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Shaw Lefevre and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 55.]

BOARD OF TRADE BILL.

On Motion of Mr. Shaw Lefevre, Bill to consolidate and amend the Law relating to the constitution and powers of the Board of Trade, *ordered* to be brought in by Mr. Shaw Lefevre and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 56.]

MARINE MUTINY BILL.

On Motion of Mr. Dodson, Bill for the Regulation of Her Majesty's Royal Marine Forces while on Shore, *ordered* to be brought in by Mr. Dodson, Mr. Childers, and Mr. Stansfeld.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 2nd March, 1870.

MINUTES.] — Public Bills — *Resolution in Committee—Ordered—First Reading*—Steam Boilers Inspection * [58].

Second Reading—Annuity Tax (Edinburgh) [62], *debate adjourned;* Railway Travelling [37], *put off.*

Committee—Life Assurance Companies * [2]—r.p.

Considered as amended—East India (Laws and Regulations) * [27].

The House met at Two of the clock.

ANNUITY TAX (EDINBURGH) BILL.

(*Mr. M'Laren, Mr. Miller, Mr. Crum-Ewing.*)

[BILL 4.] SECOND READING.

Order for Second Reading read.

Mr. M'LAREN, in moving the second reading of this Bill, said: I shall occupy the time of the House as shortly as possible in explaining the object of the Bill. It is to reduce the number of ministers by three in the city of Edinburgh, and thereby to effect a saving of £1,800 a year. The population of the Old Town is only 30,000 at present, and of that number about 13,000 are Roman Catholics, and at least one-half of the remainder are Dissenters. It will not therefore excite surprise that we seek to reduce the number of ministers for so small a population as remains—namely, about 8,000. These are claimed by the Established Church only because they do not belong to any other; but, in point of fact, the Old Town is the poorest and most destitute part of the city—the part where poverty is greatest and the criminal classes most abound. There is not one-half of the 8,000 resident in that part of the town really connected with the Established Church. The number of ministers for that small population is now eight, and we propose to reduce them to five; and if any hon. Member present will say that five ministers is not sufficient for that population, I can only say he has a curious notion of ministerial labour. But besides those eight ministers in the Old Town, there are five in the New; and with those five we do not seek to interfere. They have all tolerably good congregations, and no change is proposed with respect to them by the Bill. The ministers are now supported by pew-rents and by payments fixed by Act of Parliament — one of £2,000 and another of £4,200—the last-mentioned sum being raised by a local tax of 3*d.* in the pound on the rental of less than one-half the city. The Bill proposes, but only as vacancies occur among the ministers, to abolish three of the eight charges, no change, as I have said, being proposed respecting the New Town churches. The Bill does not propose to interfere in any way with the stipends of the ministers—nine are to remain as now at £600 a year, and four at £550. If the proposal as to the reduction of the three ministers as vacancies occur be agreed to, then we shall be happy to arrange the other parts of the Bill to the satisfaction of any impartial person. It has been objected that the Security Clause of the Bill is so worded as not to be perfect in its operation. I can only assure those who think so that it was intended to be perfect; and if it can be shown that the words do not convey the meaning intended, I shall be most happy to agree to such alterations in Committee as shall make the question free from all doubt. Having thus explained the main design of the Bill, I shall not trouble the House at any length with its details; but I may mention some facts with a view to make the object of the Bill more intelligible and definite. There are 127 churches in Edinburgh of all kinds—Protestant and Roman Catholic included. In that number are twenty-eight Established churches, and ninety-nine churches belonging to other denominations. Of these twenty-eight Established churches there are only thirteen that are at all connected with the objects of this Bill—only thirteen out of the twenty-eight receive any portion of the annuity tax. It will thus be seen, in the first place, that the Established Church in Edinburgh forms a small minority of the population; and, in the next place, from the Established churches being less filled than the others, the disparity in the number of churches does not even give a sufficient idea of the relative numbers of the members of the different Churches. The Free Church alone has thirty-six churches, as against twenty-eight Established ones; but I will undertake to say that each of those thirty-six, taking an average, contains one-half more sitters than the Established churches. I have no doubt whatever that the Free Church alone has, in this way, double the number of sitters as compared with the Established Church, and double the population attached to it which the Established Church has. It is this fact which has made the ecclesiastical impost so galling to the inhabitants of Edinburgh. It is not merely the sum of £4,200; for in a large and rich city, with a rental exceeding £1,100,000 a year, even when we take the portion of the city upon which it is levied, that sum is not a very large one. But we object to the principle of the great majority of the inhabitants being obliged to contribute by local taxation for the Church of a small minority who are quite able to maintain the ministers of their own churches. But we do not ask that they should maintain them; we give them the whole of the pew-rents —which amount now to £4,300 a year; we give them £2,000 from another source, and we propose by this Bill to give them a farther sum of £1,200 a year for miscellaneous expenses from the church-door collections, which are now by Act of Parliament devoted to the support of the poor; and to give power to the poor who now receive aid from those collections to get equal sums from the parochial board appointed for the management of the poor. Further, we do not propose that this shall take effect at once. We interfere with the rights of no man. We merely propose that, as vacancies occur, three of the ministers should have no successors. It has been said that great relief was given to the community of Edinburgh by an Act passed in 1860, and very exaggerated statements have been published to that effect. The relief then given was exactly £3,000 a year. There were five churches each of which had two ministers, and by that Act it was provided that as the second minister in each church died he should have no successor. In that way the sum required was smaller by £3,000 a year; but no further relief was given to the city. No doubt, there were various ingenious devices resorted to for the purpose of making it appear that much greater relief was given by that Act; but those ingenious devices did not succeed in blinding the inhabitants. The people of Edinburgh saw perfectly through them. One of the devices was to take away the pew-rents, which from the time of the Reformation—or, at least, from the time when pews were put in churches—for at the Reformation there were no pews—but from the time when pews were put in, the pew-rents were always drawn by the Town Council of Edinburgh for the behoof of the community. And when the settlement took place in 1838 with the creditors of the city, who had lent large sums of money for the building of new churches, amongst other purposes, the seat-rents were made over to them in security. One of the devices under the Act was to take the pew-rents from the city and give them to the ministers, and then to levy a municipal rate, as it was called, in lieu of the pew-rents—pretending that this rate had nothing to do with ecclesiastical matters—that it was merely a rate for municipal purposes. The people were far too observant to be taken in with this device, for they knew that if the seat-rents were taken out of the city purse, and money derived from rates substituted, it came to pretty much the same thing as if the rate were given directly to the ministers. The inhabitants considered it an insult to their understanding to be told that, after the passing of the Act of 1860, there was no longer an annuity tax for ministers levied in Edinburgh. At a very large and influential meeting of the ratepayers held in Edinburgh, a protest signed by 7,600 inhabitants of the city was drawn up against the whole measure, declaring that they never would be satisfied with letting the matter rest, and praying the Town Council to endeavour to get them relieved of the grievance which was then imposed upon them. It is in pursuance of that request that we appear before you here this day, to ask you to agree to the second reading of this Bill, and allow it to go into Committee—that by diminishing the number of ministers, and other arrangements which I will not now take up the time of the House in explaining—get rid of this grievance. It has frequently been said that the clergy, through the passing of the Act of 1860, made great sacrifices, and that the sum levied previously for each minister was £900 a year. This had been stated in a paper circulated in this House. Now, when we hear of a sum of money being levied, we understand that somebody has got hold of it. But what is the fact? A large portion of the annuity tax for ministers' stipends for some years before the passing of the Act of 1860 could not be levied at all. Having resisted the demands, hundreds of persons allowed their furniture to be taken and sold rather than pay it, and many respectable citizens—including two magistrates—were put in gaol for several weeks because they would not pay this tax. In fact, it could not be enforced in a very large number of cases, without a strong police force; and, upon several occasions, a military force had to be called out to back the police force in levying this rate. I challenge any hon. Member of this House, or anyone else, to show that the ministers of Edinburgh ever did get so much as £600 a year, during any average number of years, until the passing of the Act of 1860. It is an entire delusion to say that they ever did receive any such sum. Another contrivance adopted was, that whereas members of the legal profession were not called upon to pay the old annuity tax, by the Bill of 1860, the rate substituted was laid upon them, which gave great satisfaction, because it was a measure of justice to place all the inhabitants upon the same footing. That influential body occupied houses and offices of a large rental; and, of course, the sum they contributed, first by a rate of 5½*d.* in the pound, and latterly by a rate of 3*d.*, was large, and that necessarily reduced the amount required to be raised from other parties. But that was not a sum which the ministers lost, nor one with which they had any concern. The real question was, what amount of money was raised in the city, and what amount did the ministers receive, and not the class of persons from whom the money came, in order to make the new rate look smaller than the old. Another device was, that whereas the former rate was chargeable only at the rateable rental, the new rate was levied on the rack-rent; and in that way a rate of 3*d.* in the pound now, and 5½*d.* a few years ago—together with the seat-rents and the £2,000 from the port of Leith—was sufficient to pay the ministers the stipends; and they have all been paid since that time better than before the passing of the Act of 1860. It was an entire delusion to say that they had sacrificed anything of the amount which they formerly received, or could levy, in any proper sense of the word. To show that the number of ministers is excessive, and ought to be reduced, it is only necessary that I should read to the House a few lines from a speech of the Rev. Dr. Wallace, one of these ministers. At a public meeting of the Presbytery of Edinburgh, when discussing this Bill, that rev. gentleman, who was then opposing the opening of an additional church in the Canongate Parish, said, referring to the promoters of the present Bill—

> "If the promoters of the measure hostile to the interests of ministers in Edinburgh learned—as he supposed they could not help learning—that in the face of the fact that there were 2,000 unlet sittings in the Old Town at the present moment—not taking into account 1,200 free sittings for the poor—that, in the face of the fact that there were three churches literally empty in it, the Commissioners were insisting upon creating what they called a life-interest in some of their surplus for the purpose of getting up a new church—which, to all appearance, there was no call for whatsoever—the effect upon their minds must be extremely irritating indeed."

Nothing additional is needed to prove the fact of the excess of the church accommodation than that statement of the rev. gentleman—who is no mean authority, being a gentleman of great influence in the city, and one of the deputation now in London to oppose the Bill. This admission makes it unnecessary to offer any further evidence on that subject. But I may mention that a Return has, within the last few days, been laid on the table, which corroborates and strengthens in a remarkable degree the statement of the Rev. Dr. Wallace. The Return shows that in place of 2,000 unlet sittings—which appears to have appalled the rev. gentleman — there are 3,672 in the thirteen City churches; and in place of 1,200 free sittings there are — including free sittings in the New Town churches—2,430; making in all over 6,000 unlet and free sittings. Now, I put it to any candid man whether it is just to the community of Edinburgh to require them to raise by direct taxation £4,200 a year for the stipends of ministers to churches which are not required by any section of the people? The three churches which the rev. doctor referred to as "literally empty" are the High Church, the pew-rents of which for the last year amounted to only £46; St. John's, which yielded £60 16*s.*; and the Tolbooth, which yielded only £26. This church has since been closed, and made a mission station. Under these circumstances, I think a very strong case is made out for asking the House to intervene and say that we shall be relieved of part of the burden which we have now to bear. The fact is, that notwithstanding all the alterations made by the Act of 1860, we pay more for the Established Church than we did thirty-six years ago. In 1833, the pew-rents in those churches amounted to £7,530, and the whole of that sum went into the coffers of the municipality to pay the interest of money borrowed for the erection of new churches and the maintenance of those already in existence. The ordinary expenses may be taken at about £2,000 a year, and the result was that in the year ending 1833, out of the whole £7,500 received, nearly £5,500 went into the coffers of the city. At that time, the annuity tax produced as nearly as possible, £8,000 a year; and if you compare these figures together, deducting the one sum from the other, you will find that the whole burden of the Established Church in 1833 was about £2,500. What is the state of matters now? You give them the whole of the seat-rents without calling on them to account, and, after deducting expenses, these now amount to about £2,500 a year. You next give them £4,200 by the Act of 1860, making £6,700 with which the city is burdened, besides the £2,000 from Leith—common to both periods—for the support of a Church which is attended by a very small minority of the inhabitants—as compared with about £2,500 in 1833. The burden has now increased nearly in a three-fold degree. The whole cost, including the £2,000 from Leith, is upwards of £8,700 a year. How, then, can it be said that the burden has of late years been greatly reduced? According to my arithmetic it has been greatly increased, and yet we are daily told of the sacrifices the Established Church has made, and the great lightening of the city burdens to the ratepayers. The last point to which I shall allude is one which, in order to prevent mistakes, I shall quote first from Returns which have just been laid on the table for last year, and second from the figures given in the Report of the Select Committee of 1867. It is a comparison of the pew-rents at different dates. In order that the comparison may be perfectly fair, I shall take three churches in the Old Town and three churches in the New, and compare them for the purposes of my argument. In the Old Town the Tolbooth Church in 1832-3 produced £477 by pew-rents, and last year produced £26. The New North Church, which is still administered by an able and influential clergyman—the Rev. Dr. Nesbet, who is now in town as one of the deputies to oppose the Bill—now produces £170 of pew-rents; whilst in 1833, under his predecessor, it produced £679. The High Church, which in 1833 produced £633, now produces only £46; so that these three churches of the Old Town, which in 1833 produced £1,839 by pew-rents, now bring only £242. We urge the House to consider such a state of things, and all we ask is that the families who attend those churches that ought to be suppressed should attend others next door almost in order that those useless ones may be shut up. In the New Town, where the most wealthy inhabitants reside, and where since 1833 the rents of property have nearly doubled, and the population has considerably increased, we find that in St. Mary's Church, which cost the city £16,000, the pew-rents now yield £227 against £834 in 1833; St. Stephen's, which cost £26,000, now produces £743 against £1,739; and St. George's, with an able and influential minister, now in London to oppose this Bill—the Rev. Mr. Stevenson—which was built in 1818, and cost about £35,000, now produces £502 against £1,807 in 1833. The result is that in these six churches the pew-rents have fallen during the time I have mentioned from £4,380 annually to £1,472, and the rich people who attend them come here and entreat you to make no change in this state of affairs, but to allow a local rate to be levied on the whole community, down to the £4 renters, in order that they may pay only one-third part of the pew-rents which their fathers paid in 1833. Why, Sir, this is nothing but a sort of out-door relief to the individuals who worship in those churches. I hold that those persons are, in fact, to be as much out-door paupers as the men who get relief from the poor rate. They ought to be ashamed of their position. The proposal which has been made by hon. Gentlemen opposite, respecting the payment of a capital sum of £60,000, has no connection with our Bill, and even if it had been in our opinion a good arrangement—which is not the case—it would not be in my power to adopt it. This Bill has met with the approval of the Town Council, and of the great body of the inhabitants. We advocate the Bill on its merits. We are willing to remedy any proved defects; but we hope that it will now be read a second time in order that the clauses may be discussed with patience and impartiality in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. M'Laren.*)

The LORD ADVOCATE said, he did not rise with the intention of defeating the Bill, but for the purpose of making a statement upon the subject of the measure; and he would conclude by moving that the debate be adjourned. His motive in taking this course was his desire to bring about a settlement upon some lasting and satisfactory basis of a question which in the past had produced much angry discussion; and he thought that nothing could less conduce to such a result as a possible settlement—which must be a reasonable settlement—than a superfluous debate and a mischievous division to-day upon the Bill which his hon. Friend had placed before the House.

To-morrow he would, with the sanction of Her Majesty's Government, move for leave to bring in a Bill with a view to settle this question upon what they believed to be a satisfactory basis; and it was to enable the Government to make such an attempt that he proposed to take his present course. He had witnessed with as much concern and regret as his hon. Friend himself the use which had been made of certain features of the local provision made for the parochial clergy of Edinburgh—a use which had stirred much strife and angry feeling, the more bitter because there had been imported, not merely ecclesiastical, but political and even personal considerations. His hon. Friend the Member for Edinburgh had devoted his energy for many years to remedying this matter and to place it on a better footing. In doing so, he had been actuated by the most disinterested motives, and had put forward only proposals which were fair and reasonable, according to the light he had upon the questions, and upon his views of it. But, at the same time, it could not be disguised that he had formed and expressed a very decided conviction upon the question in very strong terms; and had acted so much as a partizan in the expression of the opinions which he maintained conscientiously, that these considerations to some extent, as he (the Lord Advocate) could not but think, disqualified him from being the most suitable medium for effecting a settlement of this matter upon the principles of concession and conciliation. He now desired to make, in justification and explanation of the course which he was taking, such a statement as would put the House in possession of the simple facts of the case, and the present state and condition of the controversy. Now, in the first place, as to the legal provision and maintenance of the clergy of the Established Church of Scotland. For this there was, in fact, only one source—namely, the tithes; and those tithes, he said, with perfect accuracy, and sufficient authority, stood on precisely the same legal footing as the tithes in England did. These tithes had been found to afford a sufficient and moderate provision for the clergy of the country parishes; but in towns that provision had been found to fail from a consideration which was usually well understood—namely, the disproportion between the population of the towns and the titheable value of the property in the towns. This consideration rendered the case of burghs exceptional; and accordingly from the time of the Reformation provision had been made for the clergy of the Established Church within burghs by payments out of the property of the community or corporation of the burgh, or what was technically called in Scotland the "common good." With regard to small towns which were situated in parishes of which, in point of area, they formed a very inconsiderable part, the stipend or income of the minister was made up from two sources—in the first place, from a tax drawn from the country portion of the parishes—from the titheable land; and, in the second place, from contributions made by the magistrates and guardians of the burgh property out of the burgh fund. Now, in order that the House should have a full understanding of this question, it was necessary that they should bear in mind that it was undoubted law and custom in Scotland, that it was a proper application of the burgh property to provide not only for the temporal but for the spiritual welfare of the community, by providing means of religious teaching and public worship. Accordingly in every burgh provision had been made from this source for the maintenance of the clergy of the Established Church in the burghs. Churches were instituted by the magistrates and council, in concert with the courts of the Church; sometimes by the authority of the court alone, and sometimes under the provisions of the Act of Parliament. Provision was made out of the burgh property, that was, "the common good;" and provision being thus made once and for all for the Church so established, must be continued—because it was illegal to transfer an imperative and irrevocable obligation simply because the common good was not the common purpose. In Glasgow there were no less than ten churches maintained from this source at the cost of the common good—that was to say, the property of the Corporation of Glasgow, as representing the community, was made liable to the extent of £3,800 for this purpose. Similar provisions were made in the case of Aberdeen, Dundee, Fife, and Stirling—and, in fact, in almost all the considerable towns of Scotland. But there was one exception—he did not know how it happened, nor was it at all necessary to the present matter to inquire how it had come to pass, that Edinburgh was from a very early period in an exceptional position with regard to the parish clergy of the city; but provision was made for the maintenance of public worship, instruction, and the transaction of Church business in this way—the town was from time to time divided into parishes, the divisions and sub-divisions proceeding according as its extent and its population increased; and in 1636, without the authority of the Legislature, and in 1661, with the authority of the Legislature, provision was made for the maintenance of the Church in those parishes by the imposition of a tax on the inhabitants. The probable fact was that even at that early period the property of the burgh of Edinburgh had been so improvidently managed that there was not sufficient to enable them to maintain the clergy in the same manner as was done in other burghs. However that may be, in 1661 the magistrates, on behalf of the community, addressed themselves to the Parliament of Scotland, praying for legislative authority to enable them to impose a tax on the inhabitants for the purpose of maintaining the churches; and that authority was given by an Act brought in and passed in 1661. That was the origin and, until it was abolished, the authority for the annuity tax. There was one other, and only one other, source of any considerable amount, and that was in the form of a tax, not on the inhabitants, but on the imported goods of Edinburgh. The Legislature in the same year ratified a Royal charter, whereby the magistrates of Edinburgh were authorized to impose a certain tax per ton upon all goods imported into Leith or Edinburgh for the behoof of the clergy of the Established Church. This double provision continued down to 1838, but he could easily understand that such a tax as that would be borne with very great impatience; and occasion was taken of the introduction of a Bill into Parliament for the purpose of erecting Leith, which is the chief seat of the imports, into an independent municipality, and transferring to commissioners the port and harbour, which, hitherto had been vested in the magistrates of Edinburgh. As he had said, occasion was taken of this Bill for abolishing the tax upon goods imported into Leith for the support of the clergy, substituting, however, in its place a payment out of the dock and harbour dues of £2,000 a year, which was calculated to be the amount which the ministers had before received. By that Act of 1838, the commissioners were required to pay annually into Her Majesty's Exchequer in Edinburgh £2,000 a year, which sum the proper officer was required to hand over to any persons appointed by the clergymen to receive it. That £2,000 a year was a commutation by the Legislature of the tax on goods, and was of precisely the same antiquity, and substantially of the same origin as the tax on the inhabitants, which was at present one of the main resources of the clergy, and a burden which his hon. Friend proposed by the Bill to relieve them of. Considerable dissatisfaction was felt with regard to this annuity tax, as it was called, which was imposed upon the taxpayers, not in the shape of an impost upon the inhabitants, or the houses, but out of "the common good" of the burgh itself; and in 1860 a proposal was submitted to this House, which resulted in the Act of that year, by which it was declared that the annuity tax ought to be abolished; and accordingly the first clause provides that from and after the term of Whitsuntide, 1860, the impost or tax levied annually under the name of the annuity tax, within the ancient and extended royalties of the City of Edinburgh, should cease to be imposed; and from that time till now there has been no annuity tax in Edinburgh. No tax whatever had been levied either upon the houses or the inhabitants with the name of the annuity tax, or for the purpose of maintaining the clergy. On the contrary, the view with which the Act of 1860 was passed was to place Edinburgh in the same position as other burghs in this respect —namely, that the estate of the burgh, which we call "the common good" of the burgh, should provide for the burgh clergy. He had stated that up to 1860 Edinburgh was in an exceptional position. After 1860, therefore, Edinburgh ceased to be in that exceptional position in which it had been up to that year. Now, as to what was substituted in lieu of the annuity tax so removed. It was neither a tax upon persons, nor a tax upon property. The 8th clause—of which I may remark a singular paraphrase is to be found in the Bill of my hon. Friend—provided that the Magistrates and Council of Edinburgh shall, on or before the 11th of November, 1860, execute and deliver to Commissioners appointed for the purposes of this Act a perpetual bond of annuity in the terms of the Schedule for the annual sum of £4,200, under the conditions expressed in the said Schedule. It was, in fact, a bond obliging the community to pay in all times to come the annual sum of £4,200 to the Edinburgh Ecclesiastical Commissioners for the maintenance of the clergy of the city. This bond, however, contained a condition to which it was necessary to advert — namely, that this annuity should be redeemable only on payment at the rate of £100 for each £3 10*s*. of annuity—which therefore represented a capital sum of £120,000. But Clause 9 provided—

> "That the whole property belonging to the Magistrates and Council, as representing the community of the City of Edinburgh, is hereby disponed and made over to the creditors in the said bonds in security for the payment of the said annuities, subject to the provisions hereinafter enacted."

No one who read that clause could fail to see that it was almost parallel to the present proposal; because certain other bonds had ceased to exist or be available for the clergy in whose favour they were granted. The whole property, therefore, of the city was pledged as a security for the payment of this annuity of £4,200 a year for the behoof of the clergy. Well, one would have supposed that by this settlement of 1860 there was an end of the annuity tax; but an objection was taken. The Corporation of Edinburgh said that the revenues of the municipality might prove insufficient to meet the charges for which the Corporation had to provide, and that, consequently, the Corporation might be unable to pay the £4,200 a year. In order to meet this alleged difficulty, a clause was introduced, which enacts—

> "That in order to enable the Magistrates and Council to provide for the purposes to which the income and revenue derived from the said property and funds are at present applicable, and for the further security of the said annuities, it shall be lawful for them to levy and apply to the said purposes any increased assessments under the provisions of this Act in the same way and with the powers and authorities of the Acts of 1848 and 1856, to an extent equal to but not exceeding 3*d*. in the pound."

Now, that provision had been represented as continuing the annuity tax in Edinburgh under another name; but it was in reality no such thing. Edinburgh was in that put on the same footing as every other burgh in Scotland. The obligation to maintain the clergy within the city was put on the property of the community in Edinburgh in 1860, as it had all along been on the community property of other burghs. It was said this was an additional power of assessment to meet the ordinary requirements, and that it was neither more nor less than an annuity tax in another form—he believed his hon. Friend (Mr. M'Laren) called it "ministers' money." Now, this was a very general term, and he (the Lord Advocate) did not care to argue it. Then his hon. Friend called it "a device," which it was easy for anybody to see through, that it was a mere counterfeit, and that it was to a great extent a renewal of the tax itself. But if his memory did not deceive him, his hon. Friend was himself to a great extent, the author of this device. And now as to the views upon which this arrangement was carried out. The Established Church in Scotland had not then recovered from the exhaustion consequent upon the great Disruption of 1843. To a very great extent the congregations of the Established Church had seceded and gone over to the worship of the Free Churches; and probably the Established Church was then at its extremest state of exhaustion. Accordingly it was proposed that the number of clergymen—theretofore eighteen—should be reduced to thirteen, provision being made for them as he had before explained, so that they should have a stipend of £600 a year each—the total annual sum required being, therefore, £7,800. This was provided in this way —£2,000, the commutation of the levies on the port of Leith, which it was arranged should be handed over to the Ecclesiastical Commissioners; a bond of annuity for £4,200, to be granted by the Magistrates and Councillors; and it was estimated that the pew-rents would yield £1,600, after the expenses had been paid. Obviously, one only of these sources, the pew-rents, had the quality of elasticity. The contingencies of their increase or decrease was provided for by the Act. It was provided that in case the income fell off, the ministers appointed after the passing of the Act were to suffer the diminution; and in case it should increase the Commissioners should, at their discretion, apply the surplus to paying a salary to some other minister within the city, or to augment the salaries of existing ministers, or to other ecclesiastical purposes within the city. That was the settlement of 1860. He begged the House to consider the position of the town of Edinburgh under that arrangement. That perpetual bond of annuity had been granted for £4,200, redeemable at 3½ per cent, in substitution of the annuity tax which had been in existence since 1661, and which in 1860 yielded a net revenue of close on £10,000. It was a settlement proposed to Parliament as one that would be satisfactory to all. It was sanctioned, and the legal obligations under it were granted. What was now proposed in the Bill of his hon. Friend? It was to cancel those obligations—to cancel that bond—it was to ask Parliament to cancel and annul it, in the face of the urgent protests of the creditors. The Bill, indeed, professed to give £2,000 back to the clergy again; but they had it secured to them already, unless Parliament repealed the provision it had made in their favour. The Bill proposed also that the bond of annuity for £4,200 ought instantly to be reduced to £2,500, and that as soon as three clergymen die or quit their livings it ought to be extinguished altogether. The House could not be surprised when he said he could not find in any of the provisions of the Bill the materials out of which could be constructed a settlement of this question at all likely to meet general approval. He objected to the principle of it altogether. He objected to Parliament interfering with an arrangement of this character, involving interests of such importance, ten years after it had been made, and without substituting for it any other arrangement likely to be satisfactory to both parties—the Bill, indeed, was brought forward against the urgent remonstrance of one of the parties, and was nothing short of a proposal to cut down the obligations of the debtor in defiance of the creditor. He was far from saying that settlements such as this were to be binding for all time and under all circumstances; but only ten years had elapsed since this arrangement had been agreed to by all parties. He had every reason to believe that the Church was willing—upon terms which, he conceived, would be highly advantageous to the community of Edinburgh—to enter into a new arrangement with the authority and sanction of Parliament. It would be for the purpose of endeavouring to promote that settlement, and to procure for it the necessary legislative authority to put the matter on such a footing that there might be a reasonable expectation that it would not be again disturbed, at least in their time, that he asked the House to assent to the course he had indicated—of allowing this debate to be adjourned now, in order to afford the opportunity for the introduction of a measure of a substantially different character—one modifying, no doubt, the arrangement of 1860, but modifying it in a manner that may prove to be satisfactory to both the parties that were legitimately interested in the question.

Mr. C. DALRYMPLE said, that after the speech of the right hon. and learned Gentleman it would be unnecessary for him to press his Motion for the rejection of the Bill. He had listened to the right hon. and learned Gentleman with the greatest pleasure, for he had condemned in unqualified terms the Bill of the hon. Member for Edinburgh, at the same time that he had expressed his earnest desire for an equitable settlement of the question, in which he (Mr. Dalrymple) cordially joined. He trusted that the measure the Government were about to bring in would settle the question once for all. He could almost regret, if that were done, that some hon. Members might never know what the annuity tax question was. The greatest ignorance prevailed in the House on that and on other Scotch subjects, and he was asked last year by an English Member whether the right of hypothec and the annuity tax were identical. [*Laughter.*] He did not mention that for the purpose of raising a laugh, but for another object. He humbly ventured to say that at present subjects connected with Scotland were far too much relegated to the Scotch Members alone for discussion. The hon. Member for Edinburgh deserved whatever credit was due to perseverance in the matter. As long as he (Mr. Dalrymple) remembered anything the hon. Member's name had been connected with the subject, and therefore the statements which he had made that afternoon were truly surprising. He could almost regret that it was now unnecessary for him to reply to some of these statements, but one point he would briefly notice. The hon. Gentleman had spoken lightly of the sacrifices that had been made by the ministers of Edinburgh in 1860; but a former Member of the House, who was a great authority on this question, had spoken of them in a very different spirit. He desired to refer to Mr. Moncreiff, in connection with the subject, with the utmost respect. Mr. Moncreiff's connection with it had been as close, and at the same time as disinterested, as that of any man living. He rejoiced that Mr. Moncreiff's long services in the House had received their reward in a position of great dignity in Scotland, out of the reach of political injury from any miserable local squabble. Now, what did Mr. Moncreiff say about the ministers in 1860? Speaking in Edinburgh, in February, 1867, he said —" In 1860 I made a bargain with the ministers of Edinburgh, and with the friends of the ministers, and with the Conservative party. They met me half way." And in the House of Commons, in the following year, in answer to a near relative of his (Mr. Dalrymple's), who asked whether it was not entirely in the expectation that the settlement was to be conclusive that the Established Church went a great deal beyond any point to which they had been prepared to go, Mr. Moncreiff said—" Most certainly, and I should not have proposed it to them except on that footing." As was said last year by the right hon. Gentleman opposite the Member for Kilmarnock, this was, in fact, a policy of repudiation, and as such he (Mr. Dalrymple) felt convinced that the House would not sanction it. He rejoiced that the Government were prepared to deal with the question, and hoped that hereafter, not only in the House but in Edinburgh itself, the annuity tax as a grievance, small or great, would be heard of no longer.

MR. MACFIE said, the constituency which he had the honour to represent felt great interest in the Bill now before the House. Being neighbours, they desired that Edinburgh should be relieved of its grievance. Leith had a grievance that had been adverted to by the Lord Advocate which they desired to see removed at the same time. It claimed justice in respect to its interests—he might say their interests are national. He was much pleased that Government was taking the subject into its own hands, and trusted that the measure to be produced would clear away both grievances. Legislation falling short of that would be unsatisfactory. He therefore hoped Government would give the Leith grievance consideration, and determine that it should be removed, or at least allow the people of Leith an opportunity of stating their case, in order to show reasons why relief should be afforded. In the Bill before the House there was a provision well worthy of appearing in the Government Bill—the abolition of Church patronage within the city of Edinburgh.

MR. ANDERSON said, he was sorry to be obliged to oppose the Bill, but the nature of its provisions had driven him to take that course. He fully agreed in what had been said against the annuity tax, and there was no one who would be more pleased to see it abolished; but this result must be accomplished in a fair and equitable manner; whereas the present measure was the very reverse. He had never in his short experience known a Bill more wanting both in honesty and justice than that now under discussion. By its title it professed to abolish the Canongate annuity tax, which was in reality no more than £250 a year; but that small tax was made a stalking-horse, under cover of which the hon. Member for Edinburgh desired to enable the Magistrates and Corporation of that city to repudiate their bond for the payment of £4,200 a year. It was, in fact, a Bill for disendowment without compensation, and as such he could not but strongly oppose it, although he was by no means prepared to say that endowment in itself was desirable, or that if the Scotch Church were offered terms as liberal as those which had been granted to Ireland she would not do well to accept disendowment. In favour of this remarkable Bill the hon. Member for Edinburgh and his Friends had established a small "whip" of their own, for he, like other hon. Members, had received a circular requesting the attendance of hon. Gentlemen, urging them to support its provisions, on the plea that it was a Bill to abolish ministers' money; but that circular said not a word about the fact that it would disendow the Church of Scotland in Edinburgh and authorize the Town Council to repudiate their bond, or about their scheme of disendowment without compensation. As to the compensations the hon. Member for Edinburgh proposed to offer in exchange for all which he took away, the Lord Advocate had clearly shown that with the exception of a small annuity of £50 a year to each minister, they were already enjoyed by the Ecclesiastical Commissioners. The proper mode of settling this vexed question was obvious, and had been suggested to the magistrates of Edinburgh by himself and his friends. They might redeem the bond in accordance with the powers of the Act, which made the bond redeemable by the payment of £120,000, and there was another smaller fund which was also redeemable. The friends of the Church, however, had proposed to the city of Edinburgh to allow these burdens to be redeemed at half the Parliamentary price. He would appeal to the House whether this would not be a fair settlement of the question. Under these circumstances, he appealed both to Liberal and Conservative Members to support the Lord Advocate, and to give the Corporation of Edinburgh a lesson in equity.

MR. CRAUFURD: We have had two descriptions of this Bill. The hon. Member has said that it affects generally a local squabble, but if that be so, I ask why the Government has interfered to aid the Conservative opposition to the Bill? If it be otherwise, how is it that—if the Bill be dishonest and unfair as it has been described—Mr. Moncreiff last year (when a stronger Bill of this character was before us) walked out of the House rather than vote against it? I think my hon. Friend the Member for Edinburgh has great reason to complain of the Government. Last year, when he brought in a Bill that was far more adverse in many ways to the interests of the Established Church than this one is, it received the support of Cabinet Ministers and of a large section of the Government; but now the Lord Advocate opposes him in an extraordinary and special manner. He attacks both the principle and details of the measure, and yet he declines to move its rejection; but he asks for an adjournment, in order that a future day we may hear what the intentions of Government are on the subject, of which no indications are now given to us. I really think, if we were ever expected to accede to such a proposal, the right hon. Gentleman ought at least to have been frank, and to have told us his intentions. The question is no new one. My hon. Friend took the earliest opportunity this Session of bringing it forward, and it was only two days ago that he was asked by the Government to forego his advantage, and to postpone the Bill for three or four weeks, in order that the Government might have time to prepare and announce its intentions. Sir, everyone acquainted with the House must know that such a request to my hon. Friend was equivalent to asking him to take the Notice off the Paper altogether. I think it would only have been reasonable if the Government had allowed the Bill to be read the second time, and they could then, by means of Amendments, have dealt with it according to their views in Committee. I cannot but consider that the course they have adopted is most unfair. We know nothing of their intentions. I cannot, indeed, say whether the hon. Member for Glasgow is better informed, or whether he spoke with authority on what he said respecting the opportunity that had been given for the redemption of the bond at "half-price." Really this is not a question to be settled on principles of bargain and sale. I challenge the utmost ingenuity of my hon. Friend to show that this is not, in fact, substituting one tax for another, and giving the Corporation of Edinburgh a charge upon the inhabitants in order to pay the charge which he says ought to fall on the common good. The Lord Advocate said that if you deal with Edinburgh you must deal with every other locality. I hope I may take that as an indication that he is going to deal with this question throughout the length and breadth of the land. The common good of no burgh should be bound to pay for imposts which are levied by Act of Parliament, but under circumstances totally different from those which now exist. There is, however, this difference between Edinburgh and other corporations. These corporations have a common good sufficient to meet the charge of the maintenance of their clergymen, and they took the property subject to that burden; but here you create a burden—you put a tax on the inhabitants, and ask us to believe that this is not to be looked on as a commuted annuity tax but only as a police rate. I challenge the Government, and especially my right hon. Friend the Home Secretary, who was one of the eleven Members of the Government who voted last year for the Bill of my hon. Friend, to maintain some consistency on this question, which is not a question of a paltry local kind, but virtually affects religious matters throughout the length and breadth of the land. If my right hon. Friend is prepared to apply to Scotland what is proposed to be done in Edinburgh, my hon. Friend the Member for Edinburgh will be quite prepared to give up the Bill in favour of a Bill on the broad principle of putting the Established Church on the same footing as all the Presbyterian Churches—freeing it from the trammels of the State, and putting it, like the Irish Church, in perfect freedom. Then we would see their means of supporting the clergy increasing manifold. My right hon. and learned Friend the Lord Advocate seemed to imply this extraordinary position, that the Act of 1860 was passed to sustain the Established Church *in extremis*—in a state of utter exhaustion. [The Lord Advocate made a gesture of dissent.] I took down the words of the learned Lord. He said that "the Established Church had not recovered in 1860 from its exhaustion." Was it recovered yet? He did not condescend upon that point. I must say his words struck me as very remarkable, and I do trust he will take means to restore animation to the Church by giving it the freedom which has placed the Irish Church in what its best supporters have begun to acknowledge as a most advantageous position. And I hope the Government will allow this Bill to be read a second time, and that they will then table their proposal—either as a separate Bill, or by giving notice of Amendments on the Bill of my hon. Friend. I trust they will not deprive my hon. Friend of the advantage which he has gained by a proceeding which is tantamount to rejecting the Bill.

Mr. BRUCE said, that after the challenge of the hon. and learned Gentleman, he wished to say a few words. He believed that the object of the hon. Member for Edinburgh was the same as that of the Government—to effect a fair settlement of this question; he thought, however, that the settlement proposed by this Bill was not a good one. It was true that last Session several Members of the Government voted for the second reading of a Bill similar to the present; but it was with the clear understanding that it would not receive the assent of the Government in Committee unless very considerable changes were made in it. The Government had since deliberated as to the course to be pursued during the present Session, and they had come to the conclusion that the best means of attaining the desired object was for the Lord Advocate to bring in a Bill founded upon a different principle from that advocated by the hon. Member for Edinburgh, which he believed would receive almost universal assent, both in Edinburgh and elsewhere. The hon. and learned Gentleman (Mr. Craufurd) said, that to adjourn the debate would be to deprive the hon. Member for Edinburgh of the advantages he had obtained from being ready at so early a stage. That was, no doubt, the case to a certain extent; but no time would be lost. On Friday next the Lord Advocate would ask leave to bring in his Bill, and in a few days it would be in the hands of Members. He entertained sanguine hopes that it would command the support of the great majority of that House, and that it would be acceptable to the great majority of Liberal Members. There would be nothing in the principle of the Bill to which the hon. Member for Edinburgh could object; and it would, he hoped, likewise be acceptable to the clergymen and members of the Established Church of Edinburgh, who would, he was certain, be willing to make any sacrifice compatible with justice for the final settlement of this long-disputed question. Instead of opposing the second reading, it was thought to be less offensive to the hon. Member for Edinburgh to move that the debate be adjourned, so as to give the House an opportunity of considering the proposal about to be made by the Government.

Mr. STEVENSON regarded it as a great misapplication of harbour revenues to take £2,000 a year from the port of Leith, and, instead of applying it to shipping purposes, to appropriate it to the payment of ministers in Edinburgh. Parliament had dealt with many cases of this nature, and he hoped that the Bill would provide for an arrangement of this anomaly on equitable terms.

Mr. M'LAREN said, that after the appeal that had been made to him, he saw no other course but to consent to the adjournment of the debate; because the influence of the Government was so great on that side of the House that it would be useless to go to a division against the Amendment. If the city of Edinburgh were placed in the same position with respect to this matter as Glasgow its inhabitants would be satisfied. Regarding the Bill as being virtually rejected, he threw the whole responsibility upon the Government.

Mr. HADFIELD expressed his disapprobation of the course which had been taken by the Government with respect to this Bill. To satisfy the people of Edinburgh the Bill must be complete and thoroughgoing, and if this measure were rejected the next movement of the people of Scotland would be not against the annuity tax, but against the Established Church of Scotland.

Debate *adjourned* till *Wednesday* 16th March.

GAME LAWS (SCOTLAND) BILL—[Bill 7.]
(*Mr. Loch, Sir Robert Anstruther, Mr. Parker.*)
SECOND READING.

Order for Second Reading read.

Mr. BRUCE said, that he had an appeal to make to the hon. Member for Wick (Mr. Loch) upon the subject of this measure. At the close of last Session the Government had undertaken to deal with the difficult question of the Game Laws of Scotland; but although the Bill was in a forward state, it was not yet in a condition to be laid before the House. He had therefore to request the hon. Member to be kind enough to postpone the second reading of his Bill until that of the Government had been laid before the House. He would undertake, on the part of the Government, that the hon. Member would lose nothing by consenting to this proposition.

Mr. LOCH said, he was not unprepared for this application on the part of the Government, because he had been informed yesterday by the Lord Advocate that, in the event of his not consenting to postpone the second reading of his Bill, the Government intended to throw it out. Under these circumstances, he had no option but to comply with the request of the right hon. Gentleman.

Mr. PARKER said, that as one whose name was on the back of the Bill, he consented to its postponement with reluctance, and he wished to remind the Government that by the step they had taken they made themselves responsible not only for the principle of their measure, but also for the time at which it might be brought in. They had lost a Game Bill, and they lost the Scotch Education Bill, last year, from this tendency to put Scotch business aside in favour of Irish and English business; and he therefore hoped that his hon. and learned Friend (Mr. Loch) would impress upon the Government the importance of introducing and pressing forward their Bill in time to be considered and passed in the other House.

Second Reading *deferred* till *Wednesday* 16th March.

RAILWAY TRAVELLING BILL—[Bill 37.]
(*Mr. Plimsoll, Mr. Alderman Carter, Mr. Richard Shaw, Mr. Rylands, Mr. Candlish.*)
SECOND READING.

Order for Second Reading read.

Mr. PLIMSOLL, in moving that the Bill be now read the second time, said, that it was an endeavour to secure the comfort of eight-ninths of those who travelled by railway. In so doing they would consult not only the advantage of the passengers, but would promote the pecuniary interest of the railways themselves, as all improvements were certain to do in the long run; and therefore by providing foot-warmers for the use of their second and third-class passengers railway companies would increase instead of diminish their profits. Twenty-five years ago third-class carriages were open and without seats, and the consequence was that there were but few passengers; whereas now that they were covered and had seats and windows the number of passengers was enormously increased, and the revenue of the railways was correspondingly augmented. Let the railway companies, therefore, go on diminishing the discomforts of their third-class passengers, and they would find that they had more and more to divide among their shareholders. To prove the serious consequence of neglecting to provide some apparatus for warming the second and third-class carriages, he might mention that an official on one of the largest railways in England had informed him that during the recent severe weather the traffic upon his line had diminished by £2,000 per week, and, doubtless, there had been a similar reduction in the receipts of all other lines in the kingdom. He had been informed that the only obstacle that prevented many of the companies from adopting the method he suggested of adding to the comfort of their passengers was that they had entered into an agreement with other companies to provide foot-warmers solely for the use of first-class passengers, and were that restriction upon their free will removed, they would at once supply them, when necessary, to their second and third-class passengers. He was also informed by a railway authority that the expenditure involved in the matter would be comparatively trifling, because it was only the first cost of the bottles that was worth speaking about, the expense of providing hot water at the various stations being next to nothing, while not a single extra servant would be required. It had been stated that if the third class were made too comfortable it would deplete the first class of its passengers; but people rode in the first class in summer, when no hot-water bottles were required, equally as they did in winter. Another objection that had been raised to his proposal was, that its object was beneath the dignity of Parliament. Well, but Parliament had not thought it beneath its dignity to direct that smoking-carriages should be provided and to care for the comfort of cattle when travelling on a railway; and, surely, the comfort and the health of men, women, and children were of equal importance with that of cattle? The amount of suffering endured, especially by women, children, and invalids, was very great, especially in Lancashire, where the operatives were accustomed to work in a moist atmosphere the temperature of which was usually 70 degrees, which rendered them less able to resist the cold than hon. Members, who rode exclusively in the first class. By the latest Return, that for 1867, he found that while the first-class passengers in that year were 31,000,000, the second and third-class passengers, taken together, numbered 254,000,000, and therefore his cause was respectable, inasmuch as it concerned the comfort of such a vast number of people. The remedy for the evil was perfectly easy, and many of the best companies were anxious that the Bill should pass. Believing that the change, if carried out, would be extremely beneficial to the public, he trusted the House would agree to the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time.—(*Mr. Plimsoll.*)

MR. DILLWYN said, he gave the hon. Gentleman full credit for the best possible motives in introducing the Bill; but he was surprised that it did not occur to him that if the principle of the Bill should be once established it would be necessary to go much farther. The evils complained of arose more from want of warm clothing and proper food than want of foot-warmers, the allowance of two of which to each carriage would go a very short way indeed to relieve them. If the proposition now before the House should be agreed to, companies might for all he could see soon be required to supply their third-class passengers with hot brandy and water, hot luncheons, and railway rugs. He objected to the principle of the Bill, and for the reason that the railway companies had obtained their Acts subject to certain conditions which had been well considered with a view to the protection both of public and private interests. The bargain had been made; Parliament had already sealed its conditions, and shareholders had invested their money under them, and it would not now be right to impose additional liabilities upon them, and take money out of their pockets, to carry out the object of the hon. Member. The companies had been constantly adding to the comfort of their passengers of all classes, and they might safely be allowed to follow up that course without Parliamentary interference. Under these circumstances, he begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Dillwyn.*)

MR. NEVILLE-GRENVILLE supported the Amendment. He did not see the necessity for imposing any new restrictions on companies, and thought it undignified for the House to waste its time so long in discussing whether warming pans should be placed in railway carriages.

Mr. STAVELEY HILL remarked that the fact of railway companies having of late years, of their own accord, greatly improved railway carriages where there were deficiencies in point of comfort, was a proof that they intended to go on in that course, and were determined to provide additional comforts where it was practicable. The present Bill would upset the systems on which railway companies had hitherto acted, and he believed that an examination of its details, as for instance, among many others, the requirement to provide these foot-warmers at stations where they could not be kept ready, would show that its working was totally impracticable.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 76; Noes 108: Majority 32.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

STEAM BOILERS INSPECTION BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for the periodical inspection of Steam Boilers.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Henry B. Sheridan and Dr. Lush.

Bill *presented,* and read the first time. [Bill 58.]

House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, 3rd March, 1870.

MINUTES.]—Public Bills—*First Reading*—Ecclesiastical Courts* (26); Churchwardens Eligibility* (28).

Second Reading—Naturalization [18].

Committee — Dissolved Districts and Unions* (15-27).

Third Reading—Sunday Trading (19); Judges Jurisdiction* (25), and *passed.*

Mr. Neville-Grenville

CRIMES AND OUTRAGES (IRELAND).

WITHDRAWAL OF NOTICE.

The Marquess of CLANRICARDE, who had given notice to move that there be laid before this House—

"Copies or extracts of any correspondence between the Irish Government and the Lieutenants, Deputy Lieutenants, or Magistrates of any county in Ireland relating to the state of crime in such county:

"A Return of the murders, attempts to murder, aggravated assaults, or agrarian outrages reported by the Royal Constabulary to the authorities in Dublin from the 1st of January 1869 to the 22nd of February 1870, the locality in which each such crime has been committed, the cases in which arrests of supposed offenders have been made, and the results of such arrests, that is, whether the persons arrested have been brought before magistrates, whether they have been committed for trial or discharged by such magistrate, and if committed for trial the results of such trials:

"A similar Return respecting robberies of arms:

"A Return of the amount of military force and of constabulary in Ireland on the 1st of January in the years 1850, 1860, and in each subsequent year including the present,"

said, that having received an intimation from the Government that it would be unadvisable for the sake of the public service that he should proceed to-morrow with his Motion for these Returns and thus provoke a debate to which it was natural the Motion would give rise, he begged leave to postpone it. He would do so without naming any future day, because he was in hopes there would in a short time be a spontaneous declaration of the intentions and views of the Government on the condition of Ireland, which would spare him the necessity of reviving his Motion; but if that hope should not be fulfilled before the end of next week, he should deem it necessary to name a day for proceeding with it.

OWENS COLLEGE EXTENSION BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

The Earl of HARROWBY moved that the second reading of the Bill, which was a Private Bill, be postponed till Monday, in order that the promoters, who had only to-day become acquainted with the objections of the noble Chairman of Committees to it, might consider what course they should pursue. He believed the President of the Council was favourable to this step.

Lord REDESDALE said, he took objection to the Bill considerably more than a month ago. Being a Bill dealing with a charity it had, according to the Orders of the House, been referred to the Attorney General, whose report entirely coincided with the view he had himself taken. It might seem strange that he should say so; but he had a detestation of Private Bill legislation. He thought nothing could be more mischievous to the country at large than to allow of an extension of such legislation as was constantly attempted. His experience of the office which he had the honour to hold in their Lordships' House enabled him in some degree to check this tendency. All that these parties required could be effected through public Acts or other ordinary courses; and although no doubt a Private Bill was more convenient for the promoters, it was undesirable to permit such legislation when unnecessary. He had therefore treated this Bill as one which he thought ought not to go on. Of course, if their Lordships desired, the Bill could be put off for a further period; but he knew that the result would be a canvass from a most important district to induce noble Lords to come down and vote for the Bill, and a precedent would be established contrary to the principle by which the House had been hitherto guided.

Earl DE GREY and RIPON stated that the Government had received no notice that there was anything peculiar in respect to this Bill until within the last hour or two. The object of the Bill, so far as it concerned the extension of Owens College, was one of great public importance and interest; but he readily admitted that that did not in itself constitute sufficient ground for recourse to private legislation if it were a case in which that course ought not to be allowed. At the same time, if, as he understood, the local promoters of the Bill had only that day heard of the objections to it, it seemed to be only reasonable that their moderate request should be acceded to. He could not see that that would prejudice the principle which the noble Lord the Chairman of Committees desired to maintain, or the position of the House with respect to questions of this kind. He believed that no canvass, such as had been mentioned, would be likely to influence their Lordships upon a matter of principle; and he was certain that the opinion of his noble Friend had such weight with the House that he need have no fear of such a proceeding.

Motion *agreed to;* Second Reading *put off* accordingly to *Monday* next.

NATURALIZATION BILL—(No. 18.)

(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

The LORD CHANCELLOR: My Lords, the Bill which I am about to ask your Lordships to read a second time is founded in great measure upon an elaborate Report made by Commissioners who were appointed the year before last to inquire into the state of the law as to natural-born subjects, and their condition when in foreign parts on the one hand, and the status of persons who have acquired by the law rights of naturalization in this country on the other. That inquiry, of course, involved a general inquiry into the whole subject of the status of foreigners and of citizens or subjects in this country. Now, in every independent State there exists in the Sovereign power, whatever the form of government may be, the right of controlling the actions of all who reside within its territory; but the exercise of this control binds two distinct classes—on the one hand, those who are its subjects or citizens, and form a part of the nation of which the Sovereign power represents the collective will; and on the other those who in like manner are citizens or subjects of some other State, and whose condition both as to rights and duties is, of course, in many respects very different from that of the subjects, or citizens of the State. In respect of duties, the alien owes the same duty to the Sovereign power in the country in which he resides as any citizen of that country; but the moment he quits the territory of that State that power loses all control over him. On the other hand, the State is not bound to exercise any authority with reference to his protection when he has ceased to reside there. As regards citizens or subjects of a State, the Sovereign power of that State to which he belongs controls his actions even when he may be beyond its territory. To use a convenient term, which doubtless had a feudal origin, he owes allegiance to the State of which he is a member, and he cannot commit any act inconsistent with his duty in respect of that allegiance without being gravely responsible for it; whether it be committed at home or abroad. On the other hand, he is entitled to the ægis of the State for his protection in whatever country he may be residing, if he be treated in a manner inconsistent with the recognized law of nations, and requires the protection of the country to which he belongs. Now, it is easy to say that these two classes of individuals are to be found in almost every territory governed by an independent Power; it is not so easy to say by what criterion you can distinguish each class. Accordingly—as has been shown at length in the Appendix to the Commissioners' Report—there prevail in different countries of Europe and in the United States of America various and differing modes of ascertaining who are and who are not to be regarded in the light of subjects or citizens. It will be most convenient, with reference to the short Bill now before us, that I should state to your Lordships what our own custom of procedure is. In this country we hold everyone born within allegiance—that is to say, within Her Majesty's dominions—to be a natural-born subject, no matter who his parents were. This, if it stood alone, might seem a logical and reasonable mode of determining who are and who are not subjects of the Crown—for there are difficulties in any mode that can be devised, and the simple fact of birth, being of easy proof, might form a sufficient criterion. I believe it would be found on minute examination that in the early ages nearly all countries held the same doctrine that we do; but that view does not prevail now, at all events, in many foreign countries. In France, for instance, it is held that a person born there of French parents is *jure soli* a French citizen, but that a child born there of a foreign resident is *jure sanguinis* a citizen of that country to which his father belongs; unless when of full age he claims French citizenship, which privilege is then granted to him providing his father was residing in that country at the time of his birth. England, moreover, I am afraid, has not been consistent in the doctrine which she has held; for if, on the one hand, she held all persons born within the dominions of the Crown to be British subjects, she ought equally to hold those born without the allegiance of the Crown to belong to those countries where they were born. But, so far from doing this, from a very early period in our history, and from a variety of motives, Acts of Parliament have been passed enacting that children of British parents born abroad should have the privilege and status of British subjects. These Acts commenced as early as the reign of Edward III.; and there is an Act of Anne by which the child of every British father, whatever was the mother's nationality, acquired all the privileges of a British subject; and other Acts passed in the reign of George II., by which the same privilege is extended to the grandchildren of British subjects. Your Lordships will very easily see the anomalies which must arise from legislation of this description, if carried out to its strict logical results; for instance, having accorded the privilege and the Act being silent in respect to duties, it would seem to follow as a natural consequence, that one who by the law of France or America might well be claimed as a subject of the country, is considered by us, if he be the grandchild of an Englishman who had taken up his residence there, as a man owing allegiance to this country, subject to all the consequences of his acts if they in any way militate against the letter of a law imposed upon him at his birth, without any acquiescence on the part of himself or his parents. We might in consequence be involved in very serious difficulties. Under these circumstances, it cannot be said that we have much to boast of as to any systematic mode of ascertaining who is and who is not a British subject. Another inconvenience, too, has arisen from the well-established doctrine of our law, that a person once a British subject cannot in any way divest himself of that status. The maxim *Nemo potest exuere patriam*, held not only by us but by many other countries, lays down that a man once a British subject is held to all the duties of that status; but, whilst we hold to this doctrine as regards those made British subjects by Act of Parliament, we have shrunk at all times from following it to its legitimate consequences. No instance, I believe, can be found in our law books of any such person being punished for breach of duty towards this country in respect of acts done by him abroad, such as joining the army of an alien enemy, which would be treason in any ordinary subject. As I have said, this doctrine of the impossibility of a British subject renouncing his nationality has been found, especially of late years, productive of the most extreme inconvenience. In making this remark, I am speaking chiefly of our own country; but I am afraid I cannot say that the other nations of Europe have exhibited much more consistency in the matter. Some have proceeded on the contrary principle, by regarding the *jus sanguinis* as well as the *jus soli*, and in that way have avoided any special legislation; but anyone who investigates the matter will find that we are not alone in our inconsistency. The United States, I believe, until a very recent period, adopted our law, and followed exactly the same doctrine as we ourselves have done, and have, consequently, been subjected to much the same inconvenience. But I shall abstain from entering at any length into the question of the law relating to this double nationality. I shall only repeat that in 1868 a Committee was appointed to inquire into this subject, at the head of which was the noble Earl the present Secretary for Foreign Affairs, the other members being the present Secretary for War, the Judge of the Admiralty Court, the then Attorney General, the then Judge Advocate General, Sir Roundell Palmer, and other gentlemen of eminence at the Bar, and Mr. Baron Bramwell, and they were aided in the preparation of their Appendix by a gentleman of extraordinary ability—Mr. Charles Abbott—who has there collected the law of all the countries of Europe on the subject. Beyond that, too, we have lately had the advantage of a most lucid explanation of the contents of that Appendix, arranged with a clearness which brings home to everybody's mind the exact state and position of the question in a small work, by the Lord Chief Justice of England, on Naturalization. Those, therefore, who are desirous of seeing the various inconsistencies into which different European nations have been led in the course of their legislation may do so by a simple perusal of a few pages of these works. I shall therefore save the time of your Lordships if, after these references, I ask you to take it for granted that great inconveniences do really exist. Now, it might have been thought at first, that the best step to take in legislation would be to lay down a clear definition of what ought to be held to constitute nationality as regards the subject, and the nationality of an alien as contradistinguished from a subject; but the more this is looked into, and the more we see the inconsistency of different countries, the more clearly appears the impossibility of effectually attaining that object by any Act of Parliament, for we should be legislating in a manner which affects to bind those who are resident in another country, and subject to a totally different jurisdiction, over which we have no control. Consequently, it appears to me that if any definition of that kind is to be laid down, as I hope it will be, it must be by the mode pointed out by the Lord Chief Justice and by the Commissioners—namely, by international accord and treaty, rather than by legislation. In the meantime, however, there is a subject which can be dealt with, and which imperatively demands legislation—the question whether or not a man should be allowed to have a double nationality. The inconvenience of a double nationality began to be felt in the early period of our history, at the time when the Crowns of England and Scotland were first united, it being difficult to determine what should be the nationality of those residing in the two countries; great perplexities arose at that time, but they became much more serious when facilities of transport between nations led to large emigrations and to a desire to break through the maxim which had declared that a man once an Englishman must remain an Englishman for ever. Many thousands of our countrymen from time to time passed over to the United States and accepted naturalization there on the terms on which alone it was granted—namely, of renouncing British nationality. It became, therefore, a question how this country was to deal with men who had affected to renounce—for renounce they could not—British nationality, and who were found acting in any hostile manner to this country in the event of hostilities breaking out between the two nations. The difficulties surrounding this dilemma were well exemplified by the events that led to the War of 1812, when the difficulty reached a fearful height; and it was only by the exercise of great forbearance and temper on both sides that the most disastrous results were averted.

At that time this country exercised what was called "the right of search," and insisted on looking for and seizing our subjects in the vessels of neutral countries; while during the American War we carried the right still further, and insisted on seeing whether such men were guilty of bearing arms against this country, with a view of treating them as traitors. In one case we seized six men who had long resided in the United States, but who proved to be English subjects; and on our threat of proceedings twelve officers and junior officers were seized by the American Government, while we, again, seized a still larger number. Threats of retaliation passed on both sides: it was threatened that if one side put any to death, twice the number would be executed by the other side. Thus there arose the danger of a fierce retaliation, which must in the long run have been disastrous to both sides, and of a system of barbarous reprisals, which have disgraced some other countries in our own time, but never our own. The good sense of both nations obviated this; but the mere fact of such a thing as this double nationality existing necessarily gives rise to complications; and this being the case, your Lordships will at once see the necessity of getting rid as far as possible of this question. The Commission to which I have adverted recommended that the question should be settled on the basis of certain principles which should be adopted, if possible, by all countries. They recommended that when a person had fairly and voluntarily caused himself to be naturalized in one country, he should cease, *ipso facto*, to be subject to the country which he had quitted, and become the subject of the country he had adopted. They further recommended that, inasmuch as it would be well to make these regulations retrospective, and clear the whole question at once, it might be advisable to allow a period of time within which any person who, at the passing of the Act, has been so naturalized in any foreign country, might, if he thought fit, give up such naturalization, and return to the country of which he was originally a citizen. That is a very important point. They also entered into the question of nationality, and came to a recommendation which, for the reasons I have already given, will not be carried into effect by the Bill, but will remain a subject for treaty. The question next arises—What is to be done with the wife or child of a person so naturalized? At present an Englishwoman marrying an alien remains an Englishwoman, and does not lose her nationality. But there are great inconveniences in the wife being a citizen of one country and the husband of another. The domicile of the wife, the law by which her property and relations with her husband and family are regulated, is the same as that of her husband—and so with the children of any person domiciled in a foreign country; but with nationality it is different; and the proposal of the Commission, which is carried out in this Act, is that the wife shall acquire the nationality of her husband. The case of the children is, however, different. With regard to them, it is proposed that children who are minors at the time of their father's naturalization shall, if they reside with him in the country of his adoption, become also subjects of that country; but that children who do not reside in the country where the father is naturalized shall not become subjects of that country. The reason for this difference is obvious. Children may have embarked in pursuits in their own country which they prefer to any career open to them in the country of their father's adoption; they may, though under age, be in our Army or Navy, and we should not think of converting them into Frenchmen, Germans, or Americans, because their fathers had chosen to settle and be naturalized in those countries. They, however, will, at the proper time, have the option of claiming their naturalization as a right. Another question which came before the Commission, and has been considered by the Government, is, whether or not the present procedure with regard to naturalization should be retained. The procedure has been changed by various Acts of Parliament; but by the Act 7 & 8 of Her Majesty, c. 66, the Secretary of State may grant a certificate of naturalization, subject to certain conditions, some imposed by statute, and others by the Secretary of State at his discretion. One of the conditions imposed by the Act is, that no person naturalized shall be eligible for a Privy Councillor, or for a Member of either House of Parliament. Those exceptions, I believe, date from the reign of

William III., when an Act was passed regulating all Naturalization Acts in that respect. At that time there was, doubtless, considerable jealousy of the introduction, by a foreign Monarch, of foreigners who might be his favourites as Privy Councillors or Members of Parliament; but it did not appear to the Commission or to the Government necessary that this limitation should be continued, and we conceive that naturalization should include all the privileges of a British subject. Your Lordships will thus see that the Bill will get rid of many of the difficulties arising out of a double nationality. But if we had merely got rid of that question, we should find that other difficulties would have been created. There will, of course, be countries with whom, unlike the United States, we have made no treaty, and by naturalizing a person from such a country we may find ourselves placed in considerable difficulty in the event of his returning to that country. That complication arose in the American War, and more lately in the Fenian difficulty; and it might arise with reference to persons who might come here, and might procure naturalization, afterwards returning to their original country with purposes hostile to the country to which they originally belonged, and might then claim the protection of this country as having become its citizens; and there would evidently be a difficulty as to protecting them as British subjects while they were acting contrary to their original allegiance in another country. The Commission consequently recommended that naturalization should confer the privilege of a British subject, and entitle persons to protection as such in every country except that to which the man originally belonged, if he choose to return and place himself in its power, or subject himself to any procedure which that country may adopt with reference to any acts of his. It is not reasonable or right that when we have conferred this privilege for the purpose of allowing such persons to engage in pursuits suitable to their energies they should expect us to protect them against the consequences of their own acts when they return to the country of which they were originally subjects. It is now necessary to call your Lordships' attention to one or two other important points. The first is, that this Bill makes it legal for an alien to hold land. The first clause provides that a foreigner may acquire and dispose of real and personal property of every description. At present, though he may possess any amount of personal property, he can only hold land on lease for twenty-one years for the single purpose of residence. That exception originated in the supposition that persons came here for mercantile purposes, so that they might have houses or warehouses; but there seems no reason why the full power of holding real property should not be conferred upon them. Some reasons may have existed formerly from jealousy of foreigners acquiring undue influence, at times when we had Monarchs with foreign possessions, or who were of foreign origin, and who might be disposed to parcel out among their favourites large tracts of land—reasons not very strong at the best. These reasons no longer exist, and the sooner we get rid of this invidious distinction the better. In France, since 1819, all foreigners have been allowed to possess property of any kind; and the countries which have followed the Code Napoleon have, in some cases, adopted the same course, from which no evil that I know of has resulted. In some countries there is a clause on which the Lord Chief Justice has commented with his usual perspicuity, that every foreigner shall possess in that country the same privileges as that accorded to him in any other country; whereas, in fact, none of them take the first step of offering any privileges at all. The clause contains a proviso that it shall not confer any right to hold property situated out of the United Kingdom—for we cannot govern the Colonies, having Legislatures of their own—and shall not qualify for any office or municipal, Parliamentary, or other franchise. It is obviously reasonable that, having no permanent interest in the country, they should not enjoy any such privilege. There is also a proviso that the clause shall not affect any existing rights; so that persons who have succeeded to property, in consequence of the incapacity of an alien, shall not be affected. I must now refer to one of the reasons for bringing forward this Bill at the present moment—a reason which was adverted to in Her Majesty's Speech. It is this—that a treaty was entered into with the United States between the appointment of the Commission and their

Report by the Minister for Foreign Affairs, then Lord Stanley (the Earl of Derby), and Mr. Reverdy Johnson, the representative of the United States Government. The Protocol is dated the 9th of October, 1868, and it provides that such British subjects as have, or shall become naturalized according to the law within the United States shall, subject to Articles 2 and 4, be held by Great Britain in all respects and for all purposes American citizens, and treated as such. There is a reciprocal clause with regard to American subjects naturalized in this country. The 2nd article provides that such British or American subjects who, at this moment, are naturalized citizens of the other country, shall be at liberty within two years after the Protocol shall have been carried into effect publicly to renounce their naturalization, as provided by Article 4, and reclaim their original nationality. Article 4 provides that the concurrence of Parliament being necessary for such a revision of our existing laws as the principles embodied in the Protocol involved, the treaty shall not take effect until such legislation has been accomplished. We were bound, therefore, at the earliest opportunity, to introduce a Bill giving effect to the treaty. There is one important provision of the Bill which I have omitted to mention. With regard to repatriation, the plan will be similar to naturalization, and power is given to widows and children to reclaim their original status. The Schedule of the Bill contains the statutes which will be repealed, in the preparation of which great care has been necessary, and I believe the measure which I have now described will put our whole system in a complete state, with the exception—an important one, I admit—of a clear and well understood definition of what shall constitute the status of citizenship, which I hope may be effected by arrangement with the various States with whom we are on friendly terms. There would be great inconvenience in any hasty legislation on that point, for only a year ago the question was seriously mooted in France by Marshal Niel, as War Minister, whether it was not desirable to repeal the law recognizing the children of foreigners when born in France as foreigners, on account of the loss arising from their exemption from the conscription, and to adopt a principle similar to our own. If, therefore, we precipitately took France as a model, it might happen that that country would simultaneously be making a change in an inverse direction.

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

The Earl of DERBY: My Lords, entirely agreeing in the general scope and principle of this Bill, I should not have thought it necessary, after the noble and learned Lord's full and clear exposition of it, to trouble your Lordships with any remarks, but for the fact that the measure has arisen partly out of the inquiry of a Commission presided over by my noble Friend opposite (the Earl of Clarendon), and appointed on the recommendation of a Government of which I was a Member, and partly out of a Protocol which it was my duty, as then representing the Foreign Office, to sign in October, 1868, with Mr. Reverdy Johnson, at that time the Minister of the United States. The effect of that Protocol, putting it in the fewest and clearest words, was to pledge the Government of this country to bring before Parliament the question of naturalization, and on behalf of the Crown, subject, of course, to the sanction of Parliament, to accept as a basis of legislation the principle that Americans naturalized in England, and British subjects naturalized in America, should be reciprocally free on certain conditions from their native allegiance. It is in fulfilment of that pledge that this Bill is now introduced. I do not apprehend that its leading principle, the abrogation of the old legal rule, *Nemo protest exuere patriam,* will meet with serious objection from any side; for the fact is that this old rule of law, however expedient and useful it may have been in other times and in a different state of society, has become obsolete and is inapplicable in the case of a country which, like England at the present day, encourages emigration on a very large scale. The operation of the rule was to place us in this false and even absurd position — that over hundreds of thousands, perhaps millions, of persons now permanently settled in the United States we had legal rights which it was notoriously impossible to enforce; while they in return had a right to claim from us a protection which it was also notoriously impossible for us to afford. Now, it seemed to me, and to those who acted with me, that the sooner that state of things was put an end to, the sooner law and fact were brought into accord, the better it would be for all parties. We thought, moreover, that the change which we proposed, and which the Bill is the means of carrying out, was not so much a concession to any American claim or demand as a step taken in our own interest, with a view of relieving ourselves from duties which we had no means of discharging, and of abandoning nominal rights which it was not in our power to make use of. The fact is that from 1796 to the present time this question has been an almost constant subject of dispute and controversy between England and the United States. It led, as the noble and learned Lord explained, to the War of 1812. It was a subject of negotiation in 1815, and again in 1842. It was once more discussed in connection with the Irish disturbances of 1848. It cropped up again on the occasion of the Fenian movement; and I have not the least doubt that if the matter had remained unsettled it would have continued to be heard of year after year, and generally at the most inconvenient times. It seemed to us, therefore, that in cutting the knot at once, and abandoning a right which in the present generation at least we have never attempted seriously to enforce, we at least lessened by one the chances of a rupture between England and the United States. On the main principle of the Bill that is all I have to say. With regard to the abrogation of the jury *de medietate linguæ*—the principle of mixed juries in the trial of aliens—I look upon it as an unmixed advantage. It is not always easy to find such juries; it is not certain that when found they will be the most intelligent or the most unprejudiced that can be found. Indeed, the probability is rather in a reverse direction, because in general the field of selection is so very small. It seems to me, moreover, that it is stigmatizing ourselves as a nation very unjustly to assume that the prejudice against foreigners is such that an alien on his trial will not have a fair trial before British subjects. If there be one point in the Bill to which, on theoretical grounds, I might entertain objection, it would be to the permission to aliens to hold real property. In theory a good deal of objection might be taken to that. We can all understand that it would not be a convenient or desirable state of things if any large portion of the soil of this country were in the hands of persons who were citizens of another country, but that is practically not likely to arise. The clause is one which is not likely to be taken advantage of on a large scale, and notwithstanding the present prohibition, by means which the ingenuity of lawyers has had no trouble in devising, aliens do manage even as the law now stands to hold real property. It is fair and better, therefore, that they should be entitled to do directly that which at present it is in their power to do indirectly. I will not trouble your Lordships any further. I will only repeat that it is because I am in some sense responsible for this measure, that I have felt myself bound to state thus my approval.

THE EARL OF CLARENDON: My Lords, after the very lucid explanation of my noble and learned Friend on the Woolsack, and the able speech of my noble Friend opposite (the Earl of Derby), I can hardly think myself justified in troubling your Lordships—certainly not at any length. Having, at the request of my noble Friend opposite, presided over the Commission which sat two years ago, I think it right to say that the main object of that Commission was to consider the question of naturalization; that is to say, whether as regards British subjects they should still retain their nationality although they may have acquired naturalization in another country. It is perfectly true, as my noble Friend has stated, that the old common law doctrine which formerly prevailed in the matter has fallen into desuetude, and long since ceased to be put in practice; but it still stood greatly in the way of any legislation with regard to naturalization; and the Commissioners were unanimously of opinion that it ought to be abolished; and I will take the liberty of reading a very few lines to your Lordships as containing the opinions of the Commissioners on the subject. They say—

> "The allegiance of a natural-born British subject is regarded by the Common Law as indelible. We are of opinion that this doctrine of the Common Law is neither reasonable nor convenient. It is at variance with those principles on which the rights and duties of a subject should be deemed to rest; it conflicts with that freedom of action

> which is now recognized as most conducive to the general good as well as to individual happiness and prosperity; and it is especially inconsistent with the practice of a State which allows to its subjects absolute freedom of emigration. It is inexpedient that British law should maintain in theory, or should by foreign nations be supposed to maintain in practice any obligations which it cannot enforce and ought not to enforce if it could; and it is unfit that a country should remain subject to claims for protection on the part of persons who, so far as in them lies, have severed their connection with it."

These were the conclusions of the Commissioners, and I think they will meet with the general concurrence of your Lordships. My noble Friend (the Earl of Derby) has said that while the Commission was sitting he was in negotiation with Mr. Reverdy Johnson on the subject. Mr. Reverdy Johnson had received instructions not to enter into negotiations on any question until that of naturalization had been settled; and my noble Friend, well knowing what the feelings and opinions of the Commissioners would be on the subject—that they must be the feelings and opinions of any man of common sense in these days of constant and repeated intercommunication—my noble Friend took upon himself the responsibility—most properly as I think—of signing the Protocol with Mr. Reverdy Johnson, by which English subjects were permitted to adopt the citizenship of the United States, with, of course, the reciprocal condition that American citizens might be naturalized in this country. This Protocol, as your Lordships have just heard, required, of course, Parliamentary legislation. The labours of the Commission lasted longer than we expected; their Report was not sanctioned until last February twelvemonth, and it was the desire and intention of Her Majesty's Government to bring in a Bill on the subject, founded on their Report, with the smallest possible delay. It was therefore a matter of sincere regret that we found ourselves unable to do so last year, as I explained at the time to Mr. Motley. I am sure your Lordships will recollect how entirely the attention of Parliament was at that time occupied by one great and absorbing subject, and how many matters of domestic legislation we were obliged to postpone. It was therefore impossible for Her Majesty's Government to bring in a Bill. But the delay is of no great importance, because even if we had been able to bring in and pass a Bill last Session, it would have been impossible to send over the draft of the treaty in time to have it considered by the Senate of the United States. Therefore, not much time has been lost; but I allude to the matter in order to remove any doubt that may exist in the minds of people in the United States as to our being anxious to take the earliest opportunity to fulfil the engagement entered into with their representative by my noble Friend opposite. The Bill now before your Lordships is, as you have heard, for the purpose of giving effect to the Protocol upon which the treaty must be founded. But it is not limited to that. It is of general application, as the noble Lord has said who has already addressed you. I intended to advert to some questions that necessarily came under our consideration; but they have been so fully explained by my noble and learned Friend on the Woolsack, that I do not think it needful to detain your Lordships. I will only advert to one point—that of enabling aliens holding land in this country. I do not think there is any danger to be apprehended from that concession, as my noble Friend opposite seems to suppose. I do not imagine that land would be bought or held by foreigners to any large extent, and we all know that foreigners do hold land at this moment beyond the twenty-one years which they are allowed to do, by means of legal devises that are open to all. I am very glad that my noble Friend (the Earl of Derby) approves doing away with mixed juries, and for the reasons that he has stated. The principle was adopted in the reign of Edward III., for the purpose of attracting wool merchants to this country, and was renewed from time to time by subsequent legislation. But there is no provision that the aliens on a jury should be of the same nationality as the alien tried; they may each of them speak a different language; and therefore there is no longer any reason for continuing a system the inconveniences of which are manifest, and have long been experienced. As to the question of the repatriation of persons who have lost their nationality but desire to recover it, the plan that we propose is similar to that by which an alien will be able to become naturalized. Upon all these subjects, and upon one or two more touched on by my noble and learned Friend, the Commissioners were unanimous. But as to the common law principle—that every person born in Great Britain should be a British subject—there was a difference of opinion. The majority desired that every person born in the country, even the son of an alien, should be a British subject, but with power to divest himself of our nationality; the minority, on the other hand, desired that the law should be altered, and that some provision should be made like that of the Code Napoleon by which the children of aliens are considered aliens. But whether the son of an alien shall be considered a British subject, with power to be registered as an alien when he attains his majority, or whether he is to be considered as an alien, it is clear, when we come to deal with other countries, that as English subjects are of all nations and all tongues, it would be extremely difficult in our Colonies to ascertain who is an Englishman; and the vast question of nationality is so interwoven with British interests in so many countries, that any great and sudden change would undoubtedly inflict great hardship. And although it is said that by adopting the principle of the Code Napoleon we should bring ourselves into greater harmony with the legislation of Continental States, when you come to look into the matter very closely you will see that the differences are very great. Moreover, we should by adopting it run the risk of differing from the United States—a country with which, above all others, from our constant intercourse, from our common language, and from our extensive commercial relations, it is most important that we should be in harmony. If we were to adopt the principle of the Code Napoleon—that the son of an alien should be considered an alien—then we should also adopt the converse, that the children of British subjects in the United States should be regarded as British subjects. And when you reflect that ten years ago, in 1860, there were 2,500,000 British-born subjects in the United States, I think it requires no very great stretch of imagination to see what fierce controversies might arise from the adoption of any such principle.

LORD WESTBURY was understood to express his approval of the general principles of the Bill. He had himself used his earnest instances with Lord Palmerston to be permitted to introduce a measure to enable aliens to take and hold landed property in this country; but his noble Friend, notwithstanding his enlarged views, refused his consent. He (Lord Westbury) thought that the language of some of the clauses required amendment in order to render them more clear. For instance, the clause relating to the admission of aliens ought to be made more comprehensive. The true principle in the case of naturalization he believed to be this—We ought not to accept a man as a subject by naturalization unless it had been previously ascertained that the laws of his own country accorded him the necessary permission. It was undoubtedly true that any agreement with regard to nationality could not be obtained without a general *consensus* of European States on the subject; and he cordially agreed with his noble Friend who had just sat down (the Earl of Clarendon) in commending the conclusion the Government had arrived at in not attempting to deal with the whole question of nationality until some common European consent had been obtained with regard to the principle to be adopted by all the States. For that agreement we might have some time to wait; but until that consent be obtained, any attempt to deal with the question would result in aggravating instead of diminishing the existing evils. His noble and learned Friend on the Woolsack had referred, with great propriety and force, to the evils resulting from a system of double nationality. It was in truth an evil which they were bound, as far as possible, to remove; but he doubted whether the Bill now under consideration would have that effect. The difficulties connected with the subject were apparent throughout the Bill. In the first paragraph, for instance, they would find the system of double nationality. It was limited, undoubtedly, to British subjects who became naturalized in foreign countries; but we gave what might possibly prove a very large class the privilege of being restored to British nationality, and that without the consent of the country which might have adopted them, and in which they might have become naturalized. What it was proposed to do was to tell these persons that they might, if they chose to make a certain declaration, be remitted to their former status, as if it had continued without interruption, with the limitation that within the State where they had been naturalized they should cease to be deemed British subjects unless they had ceased, in pursuance of the laws thereof, to be the subjects of that State. But if they had chosen to go abroad and be naturalized, why should they be at liberty to drop the status they had acquired without the consent of the country from whom it had been obtained? But that was not the only reason for objecting to the mode in which the system of double nationality was treated in this Bill. If their Lordships would turn to the 6th section they would find that an alien who obtained a certificate of naturalization would in the United Kingdom be entitled to all political rights, powers, privileges, and so forth, with the exception that when within the limits of the foreign State of which he was a subject previous to the granting of the certificate, he should not be deemed a British subject unless he had ceased to be a subject of that State in pursuance of the laws thereof. But this would leave open a very fruitful source of controversy. A certificate granted under the existing system carried no powers beyond the British dominions. The status of a British subject which it conferred on an alien dropped from the shoulders of its possessor the moment he quitted our shores, When abroad he had no claim to be regarded as a British subject at all. That precedent had not been followed in this Bill, which, as at present framed, he feared would give rise to complaints on the part of foreign States. He admitted that the whole question was attended with difficulty, and the remarks which he had offered were far from being actuated by any opposition or hostility to the measure, the object of which he cordially approved and which in some respects he would endeavour to promote by Amendments which he would propose.

Earl STANHOPE acknowledged that the time had come for legislating on this subject, and was prepared to give his support to the Bill before the House. But he desired to submit to the noble and learned Lord upon the Woolsack a point for his consideration before the Bill reached the stage of Committee. From the real and personal property which hereafter was freely to be held by an alien, it would be desirable, he thought, to exempt advowsons. With regard to these there were just the same reasons for withholding the privilege which existed in the case of the Parliamentary and municipal franchise, both of which were expressly excluded by this Bill. It was highly improbable, in either case, that the trust would be exercised in the manner most conducive to the public good. The case might be met in one of two ways—either by declaring that the class of property which would entitle an alien to name persons to fill benefices should not be held by him; or, in case such property came into his hands, by declaring that the right exercisable in respect of it should be exercised by some other body, as for example, the two Universities alternately, according to the precedent of the present practice with regard to Roman Catholics. At all events the point was not one which ought to be left in uncertainty.

The LORD CHANCELLOR said, he accepted the observations of his noble and learned Friend (Lord Westbury) in the same friendly spirit in which they were made, and promised that they should receive every consideration. The matter had, in fact, already been under consideration, and the reason why the two years' limit had been imposed was that it was thought there would be something harsh in preventing a man from returning to his original allegiance in case he felt disposed to do so within that time. The subject to which the noble Earl (Earl Stanhope) had just alludedhad also been considered, though he by no means wished to say that further consideration would not be given to it. The case stood in this way—If the alien happened to be a Roman Catholic, he would not be able to present to a benefice. But Roman Catholics were, as the law stood, the only persons incapable of exercising this right of property; Jews and Dissenters, as the noble Earl was doubtless well aware, could exercise it freely. While, therefore, aliens, if they happened to be Roman Catholics, would fall under the general disability, the framers of the measure had not felt it right to create any fresh and invidious distinctions.

Motion *agreed to:* Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

SUNDAY TRADING BILL—(No. 19.)

(*The Lord Chelmsford.*)

THIRD READING. BILL PASSED.

Bill read 3ª (according to Order.)

The Earl of ABINGDON said, that the great increase in the rates which had taken place of late years and the additional duties which had been thrown upon the police, had induced him to give notice of the clause he was about to move; he wished to check the further progress of this increase of rates and the extension of arbitrary and unconstitutional powers to the police. What the increase in the police rates had been in consequence of recent legislation, had been carefully concealed from the public. The collector's card, which he held in his hand, showed that the police rate was mixed up with seven or eight other rates. Murderous assaults were of frequent occurrence and houses were broken open, yet the culprits remained undetected, because the police were employed upon other duties. If this Bill passed, the police authorities would be pestered with a thousand applications to carry out its provisions, and the result would be that the class of small tradesmen would be subjected to every variety of petty annoyance and vexatious summonses. He trusted the ratepayers would understand that increase of police duties meant increase of rates—not for the protection of life and property, but for the suppression of individual liberty. He doubted very much the wisdom of a measure of this class originating with their Lordships' House—a measure of class legislation interfering with the comforts and restricting the individnal liberties of the lower orders of society. While objecting to Sunday hawking about the town, it took no account of the increased Sunday duties imposed on the police. It was a most Pharisaical Bill. He would move to insert a clause which he hoped would be some check upon this evil.

Amendment *moved,* to insert new clause—

"No officer of police shall in any manner assist in carrying out the provisions of this Act, or be allowed to give evidence in any prosecution under this Act in any police-court, or other court of justice."—(*The Earl of Abingdon.*)

The Earl of HARROWBY opposed the Amendment, which, if introduced into the Bill, would render its other provisions a mockery. The measure was strongly supported by public opinion out-of-doors; its operation would be warmly aided by the shopkeepers themselves, who felt the pressure of the present system; and in a very short time the good results of the measure would free large numbers of the police for attendance upon other duties. As matters stood at present, fairs were virtually held in many parts of London upon Sunday, and the time and attention of the police were needed to prevent or to repress the disorders which were thus occasioned.

On Question, *resolved* in the *negative:* Bill *passed,* and sent to the Commons.

ECCLESIASTICAL COURTS BILL [H.L.]

A Bill for better enforcing the laws ecclesiastical respecting the discipline of the clergy, amending the constitution and regulating the mode of procedure of the Ecclesiastical Courts, and regulating the government of the Ecclesiastical Registries in England—Was *presented* by The Earl of Shaftesbury; read 1ª. (No. 26.)

CHURCHWARDENS ELIGIBILITY BILL [H.L.]

A Bill to amend the law as regards the eligibility of persons to serve as Churchwardens—Was *presented* by The Earl Beauchamp; read 1ª. (No. 28.)

House adjourned at Seven o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 3rd March, 1870.

MINUTES.]—New Member Sworn—Denis Caulfield Heron, esquire, *for* Tipperary.

Select Committee—Local Taxation, *nominated.*

Supply—*considered in Committee*—Army Estimates.

Public Bills—*Ordered—First Reading*—Stamp Duty on Leases [59].

Third Reading—East India (Laws and Regulations) * [27], and *passed.*

RAILWAYS—WORKMEN'S TRAINS.

QUESTION.

Mr. REED said, he wished to ask the Secretary to the Board of Trade, Whether the Government are prepared to advise the adoption of a Standing Order requiring the insertion, in all Metropolitan Railway Bills, of sufficient provisions for the conveyance of workpeople into and out of London, at convenient hours and at reasonable fares, on each day of the week, Sundays excepted?

Mr. SHAW-LEFEVRE said, in reply, that the Board of Trade was in hopes the object the hon. Member had in view might be attained shortly by some more general measure, as negotiations were now pending with the railway companies on this subject. In the meantime, he thought it was unnecessary to make any change in the Standing Orders of the House.

THE ORDNANCE MAPS.—QUESTION.

Mr. MILLER said, he wished to ask the Secretary to the Treasury, Whether any arrangement has yet been made, or is intended to be made, for removing the inconvenience felt in Scotland from the manner in which the sale of the Ordnance Maps is there conducted, and as pointed out in the Question put to him on the 22nd July last?

Mr. AYRTON, in reply, said, the subject was engaging the attention of the Government, with the view to an improved arrangement, and to remedy the inconvenience complained of.

FOREIGN OFFICE AGENCIES.

QUESTION.

Mr. RYLANDS said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is intended to abolish the system of Foreign Office Agencies at an early date; and, if so, under what conditions the proposed arrangement will be carried out?

Mr. OTWAY: Sir, in fulfilment of the promise I made to the House at the close of last Session, the question of allowing gentlemen in the Foreign Office to act as private agents to members of the Diplomatic and Consular Services has been fully considered by the Secretary of State, and my noble Friend has come to the conclusion that it is not desirable that the present agency business should be continued. Accordingly, after the 30th of November next no person in the Foreign Office will be allowed to act as private agent. This date has been fixed in order to allow time for members of the two services, scattered as they are over the world, to make arrangements for the regular payment of their

salaries, and for the conduct of other matters which for nearly a century have been attended to by the Foreign Office agents. My hon. Friend asks under what conditions this arrangement will be carried out. There are no conditions as to the termination of the Foreign Office agency. As I have already stated, the Foreign Office agencies will cease before the close of the year.

IRELAND—FENIAN PRISONERS.

QUESTION.

Mr. STACPOOLE said, he would beg to ask the First Lord of the Treasury, Whether he has seen the Opinion, bearing date the 11th of February 1870, given by Doctor Robert Lyons, of Dublin, member of the Royal College of Physicians of Ireland and physician to the Royal College of Maynooth, on the Case and Statement submitted to him as to the alleged treatment of the Irish political prisoners, in which, among other matters, he states—

> "I am of opinion that, on the Case and Statements furnished to me, the discipline, food, personal restriction, diet, and other punishments are calculated to inflict permanent injury to the constitutions of the prisoners submitted thereto; and I am further of opinion, that the care and state of the prisoners herein referred to calls for an official medical inquiry and report;"

and, if so, whether the Government are prepared to institute an official inquiry as to the treatment of the Irish political prisoners by medical men of eminence totally unconnected with the Convict Prisons, as suggested by Doctor Lyons, with a view of satisfying the public mind of Ireland on the point?

Mr. GLADSTONE: I have seen, Sir, the opinion given by Dr. Robert Lyons, of Dublin, and referred to the allegations on which it is founded. I am afraid with respect to many of those allegations it would be of no avail to promise an inquiry, because they have been already the subject of a solemn and official inquiry in the time of the late Administration. The official reports have been produced in contradiction to the statements of parties; but those contradictions have not been deemed satisfactory by those parties, and they have not thought it fitting to read the official reports. This I think brings us to the end of our tether, inasmuch as we have no higher means at our command of getting information than those which these reports of responsible persons at a former inquiry furnished us. With regard to the general statement respecting the health and condition of these persons, I can state, that both as to work and diet, they are not only treated in no respect worse than other prisoners, but in several respects better. They are entirely isolated from the ordinary prisoners, except at the invalid prison at Woking where complete isolation is difficult; but even there they are lodged together. It is true that some time ago Colonel Henderson introduced an alteration which made a reduction of diet compared with what it had been previously. But that reduction of diet was very carefully made, and the effect of that reduction, according to medical authority, had not been to impair, but rather to improve the health of the prisoners, because, although the quantity was diminished, the variety of diet was increased. Having said so much, and fearing on many points there is a direct conflict of assertion, which we have no means of reconciling, I say, notwithstanding that, if the parties who have informed Dr. Lyons or any other parties have any distinct statement to be tested by examination, which they think fit to lay before my right hon. Friend the Secretary of State for the Home Department, we are not at all shy of permitting an inquiry in such matters. On the contrary, there ought not to be the smallest indisposition to inquire whether there is really any ground for inquiry. Such statements, if submitted to my right hon. Friend, shall receive the fullest examination. In the meantime, the general information I have given is perfectly indisputable. And, further, I am informed that when Mrs. O'Donovan Rossa not very long ago visited her husband in prison she was able—and I am extremely glad of it—to congratulate him on his improved appearance.

THE HERRING FISHERIES.—QUESTION.

Mr. RIDLEY said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the fact that during the last season the herring fisheries on the coast of Northumberland, especially in the neighbourhood of Dunstanborough Castle, were seriously injured by the intrusion of French boats into British water; and, whether he will undertake that at all events during the six weeks succeeding the 1st of August in each year, the adequate protection to which they are entitled shall be afforded to these fisheries by the presence of a gunboat in communication with the fishermen, and cruising wherever the shoals of herrings present themselves?

Mr. BRUCE replied that the protection given to herring fisheries on the coast referred to by the hon. Gentleman would be renewed at the next fishing season.

FEES ON ELECTION PROSECUTIONS.
QUESTION.

Colonel STUART KNOX said, he wished to ask Mr. Attorney General, What will be the fees of Counsel upon each of the several indictments for Bribery preferred by the Government in the towns of Norwich, Beverley, and Bridgwater; and from what funds they are provided?

The ATTORNEY GENERAL said, in reply, that he was unable to give the hon. and gallant Member the information he desired. The Solicitor to the Treasury fixed the fees in such cases, and he had no doubt that in the instances referred to by the hon. and gallant Gentleman counsel's fees were the usual and proper ones; but what their amount was he had not the slightest idea. They came out of the same fund as that from which all Government expenses were paid.

CASE OF MR. MUNZINGER.—QUESTION.

Mr. MELLY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is the intention of Her Majesty's Government further to recognize the great services rendered to the Abyssinian Expedition by Mr. Werner Munzinger, C.B., late Vice Consul at Massowah, who is now without any employment, that Consulate having been abolished?

Mr. OTWAY: Before I reply, Sir, to the Question of my hon. Friend, in which I observe he has made a very judicious alteration, I desire to correct a misapprehension which the Question is calculated to create, if it does not already exist. Mr. Munzinger was not appointed British Vice Consul at Massowah, but he acted as such during Consul Cameron's absence; and so far as our information goes he is now French Vice Consul at Massowah, and not, therefore, as the hon. Member supposes, without employment. While Mr. Munzinger was acting as our Vice Consul at Massowah he received a salary of 300 rupees a month, and I learn by an extract from a letter of Lord Napier of Magdala that—

> "at the recommendation of Sir William Merewether, Mr. Munzinger was engaged by the Bombay Government for the expedition to Abyssinia at a salary of 300 rupees per month, in addition to his Consular allowance, so that his total salary was 600 rupees per month."

Her Majesty's Government are fully sensible of the valuable service rendered by Mr. Munzinger during the Abyssinian expedition. These services were fully and officially acknowledged by Lord Stanley and by my noble Friend the Secretary of State (the Earl of Clarendon), who instructed Colonel Stanton to inform Mr. Munzinger that he would have been appointed to the Vice Consulate at Massowah if it had not been considered desirable in the public interests to suppress that post. This occurred in December, 1868, but Mr. Munzinger was allowed to draw his salary until June, 1869. In further recognition of Mr. Munzinger's services Her Majesty has been graciously pleased to confer on him the Companionship of the Order of the Bath.

STATUTES OF THE PUBLIC SCHOOLS QUESTION.

MR. H. B. SAMUELSON said, he would beg to ask the First Lord of the Treasury, Whether his attention has been called to the Clause in the new Statutes for the Public Schools of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby, requiring membership of the Church of England as a condition of eligibility of members of the governing body; and, whether it is his intention to advise that those Statutes, as they now stand, be sanctioned?

MR. GLADSTONE: Sir, I believe the statutes to which my hon. Friend refers were only laid upon the table a few days ago, and the term of forty days is allowed before it is necessary to act finally in the exercise of the powers given to the Executive Government under the Act. Consequently, the matter is not urgent, and the nature of the answer which I am about to give will show why it is not urgent. I am bound to give my opinion that, so far as I am able to judge, the Commissioners who have framed these statutes have acted in accordance with the spirit and intention of the Act. The Governing Bodies of those schools were strictly members of the Church of England before the Act passed. The indication of that Act did not in any degree whatever, as far as I am informed, lead to the supposition that any change was to be brought about in that respect. On the contrary, the Act referred to the previous Report of the Commissioners, which clearly implied that the Governing Bodies would continue to be formed of members of the Church of England. It is only right and fair to express my own conviction that there was no unfairness or narrowness of spirit on the part of those who constituted the Commission which led them to this decision, but that it was done by them in perfect good faith, and, so far as I am able to judge, with perfect accuracy, in what they conceived to be their duty—namely, that of interpreting the intentions of Parliament in passing the Act. Having said that, while I think that the Commissioners can in no respect be blamed, I, of course, do not pretend to say that Parliament is at all bound. Parliament has legislated in the case of Endowed Schools in a sense distinct from that in which it legislated in regard to a limited number of the great establishments called Public Schools. My hon. Friend has given notice for Tuesday, although it may be difficult to name that day positively for the discussion; but I know no reason why, if it should be thought better that legislation with regard to these schools should be more nearly assimilated to that of the Endowed Schools, the verdict of Parliament should not be taken on that point. Upon the principle at issue I give no opinion without further consideration; but I wish to disabuse the House of any supposition that the Commissioners have been unfaithful in their trust or have committed any error in the execution of their duties.

METROPOLIS—CLEANSING THE SERPENTINE.—QUESTION.

MR. WILBRAHAM EGERTON said, he wished to ask the First Commissioner of Works, If he can state when the works on the bed of the Serpentine will be completed, and how long locomotives will continue to run alongside the public thoroughfares in the Park; and, whether he can take any precautions against the recurrence of accidents caused by horses taking fright at the engines, especially near the bridge over the Serpentine?

MR. AYRTON, in reply, said, he regretted the inconvenience which appeared to be occasioned by the continuance of the works on the Serpentine. An old adage warned people against stirring mud, and it was necessary that the engineer should take every precaution against the ill consequences which would ensue if the works were inconsiderately carried on. It was necessary, in order to prevent the creation of bad smells, to wait until the weather became fine, so that the mud could be thoroughly drained and dried. The weather unfortunately became wet, and the mud could not be drained or dried. It then became very fine but very frosty, and then the mud became frozen, so that the mud could neither be drained or removed. It was then the duty of the engineer to judge between the Government and the contractor, and to determine how much time ought to be allowed in consequence of these obstacles. He (Mr. Ayrton) would not pretend to anticipate his decision; but any hon. Member could judge for himself. It was originally expected that the works would be finished by the middle of April, but now it would not be very unreasonable to give the contractor until the middle of May. Until then the locomotive engines and the railway must be employed to carry away the earth and spread the mud which had accumulated at the bottom of the Serpentine. He did not know how he could prevent people from being inconvenienced if they took restive horses into the neighbourhood of locomotive engines. The only real precaution would be to stop up all the roads leading to that part of the Park where the works were going on; but if he did so, no doubt there would be great complaints. Another precaution would be, if people would take only well-bred and well-broken horses near the works, because it was well known that they regarded locomotive engines as mere mechanical contrivances, and were never disturbed or alarmed by the presence of such engines. He might, indeed, take another course, and warn persons that the locomotive engines were at work, so that they might proceed or not in that direction at their own discretion.

ABOLITION OF RELIGIOUS TESTS (UNIVERSITIES).—QUESTION.

MR. FAWCETT said, he would beg to ask the First Lord of the Treasury, Whether he is now able to fix the day for the introduction of the Measure promised by the Government for the abolition of Religious Tests in the Universities and Colleges of Oxford and Cambridge?

MR. GLADSTONE: Sir, I can only repeat the answer I gave a few days ago. There would, in our opinion, be no advantage in introducing a Bill on this subject, although the first stage would be an easy one, until we could see our way to prosecuting it to its ulterior and more important stages. In the present state of Public Business especially, having reference to the Irish Land Bill and the Education Bill, I am compelled to give the same answer.

MR. FAWCETT said, he wished to know whether there was any prospect of its being introduced before Easter.

MR. GLADSTONE: I cannot see any advantage in introducing the Bill before Easter, unless we could propose the second reading very soon afterwards; and until we see what progress has been made with the other measures, I have mentioned, I cannot say anything further on the subject.

CUSTOMS' CLERKS.—QUESTION.

CAPTAIN GROSVENOR said, he wished to ask the Secretary to the Treasury, Whether it would not be possible to make arrangements at the Office of Customs, enabling "Writers," by taking extra work at other times, to obtain one fortnight's leave of absence in the course of the year without loss of pay; and, whether he thinks it compatible with the interests of the public service that any class of public servants, upon whatever terms engaged, should be kept at work the whole year round without intermission?

MR. STANSFELD said, in reply, that he was not prepared to say that to grant this leave of absence would be impossible or unwise; but hon. Members would understand that it was not desirable frequently to interfere with the discretion of a Government administrative Department with regard to the employment of persons who were not permanently engaged. He would, however, communicate with the Commissioners of Customs on the subject.

SPAIN—CASE OF THE "TORNADO."

QUESTION.

Mr. BENTINCK said, he wished to ask the Under Secretary of State for Foreign Affairs, with reference to the case of the "Tornado," Why the Royal Order, dated the 27th of July 1867, constantly referred to in the "Tornado" Correspondence, and particularly mentioned in the Report issued by the Council of State of Spain, dated the 21st of March 1869 ("Tornado" Correspondence 1870 page 2-5), has not been presented to Parliament; and, whether this Document has been submitted to the Law Officers of the Crown; and whether he will lay a correct translation of the same upon the Table without delay?

Mr. OTWAY said, in reply, that the Royal Order had not been presented to Parliament for the simple reason that it had never been communicated to Her Majesty's Government. For the same reason it had not been submitted to the Law Officers of the Crown, and a translation of it could not be laid upon the table of the House. The case of the *Tornado* had been reported upon by the Law Officers of the Crown, and the purport of the Royal Order might be collected from the decree issued in obedience to the Royal Order.

Mr. BENTINCK: Do I understand the hon. Gentleman to decline to produce it?

Mr. OTWAY: We are not in possession of it.

Mr. BENTINCK: My hon. Friend knows perfectly well that it can be obtained from the Government of Spain. I wish to ask him whether he will make an application for it?

Mr. OTWAY: I will take notice of what the hon. Gentleman suggests.

IRELAND—REPRESSION OF OUTRAGES.

QUESTION.

Mr. BENTINCK said, he would beg to ask the First Lord of the Treasury, Whether the attention of Her Majesty's Government has been called to the address delivered on 28th February last to the Grand Jury of the county Meath by Chief Justice Monahan, when his Lordship said—

> "He had never delivered a Charge to a Grand Jury under the influence of greater regret. The number and magnitude of the offences which had been committed since the last Assizes were such as to make one tremble when contemplating the state in which the Country must be;"

and, having regard to the Question put by the noble Lord (Lord John Manners) the other night—the answer to which was not clearly understood—he wished further to ask, whether it is the intention of Her Majesty's Government to propose to Parliament, without further delay, measures for the more effectual preservation of the lives and property of Her Majesty's subjects in Ireland?

Mr. GLADSTONE: Sir, my attention has been called to the Charge of Chief Justice Monahan to which the hon. Gentleman refers. And I must observe that I think the hon. Member would do better to direct our attention to the matter generally, and with reference to the subject as a whole, than by the citation of particular words, for certainly the words he has cited do not give an accurate impression as to the general effect of the Charge. Nor is it in my power to correct the hon. Member by citing any other words, but if I were to do so I could show how easy it is to convey a particular impression; I might cite words in which Chief Justice Monahan says—"There is no doubt whatever that that fear and apprehension will wear away." The words, however, failed to convey a full impression of the purport of the Charge. Again, if I may cite another passage, Chief Justice Monahan says of the administration of the law—"That something may be done with effect I hope and pray, but I feel myself utterly unable to make any suggestion to you upon the subject." Those words cannot be taken as conveying the sense of the Charge, which ought to be judged as a whole. The state of things referred to is not that which prevails in Meath at the present moment, but during the six months past; and I do not pretend to deny the continuance of a very anxious state of things. With reference to the latter part of the Question, I understand the hon. Gentleman to refer in a manner somewhat different to the construction I put upon the speech of the noble Lord (Lord John Manners). In that speech the noble Lord referred to measures for extending the powers of the Executive beyond the usual limits of the Constitution. I find no fault with the hon. Member for putting the Question, because I look on it as being no more, on his part, than an expression of the anxiety that everybody should feel with respect to the actual existing state of things in some parts of Ireland with reference to the administration of the law. At the same time, the hon. Member would not, I am sure, expect, if we have an answer to give to a Question so immeasurably grave, that it should be given in answer to an independent Member. We are aware of our responsibility, both with respect to what we may do and what we may refrain from doing. In the assurances conveyed in the Speech from the Throne at the commencement of the Session we have endeavoured to let Parliament and the country understand that we do not shut our eyes to the gravity of the circumstances; but, having said that, I can add no more than that, if and when Her Majesty's Government come to the conclusion that it is their duty to propose any such measure, and that they can propose it with any prospect of advantage, the hon. Member may rely upon it that we shall not wait for the stimulus or incentive of private interrogatories, however natural and free from blame they may be, to induce us to perform our duty by making such proposals.

LORD JOHN MANNERS: With reference to the Question of the hon. Member for Whitehaven, and still more so to the answer which the right hon. Gentleman has just made, I trust I may be allowed to ask him whether he will have any objection to lay upon the table a Copy of the Charges which have just been delivered by Chief Justice Monahan, by the Lord Chief Justice of Ireland, and by Baron Fitzgerald? I wish, also, further to ask him whether I rightly understand him in the answer he has just given, to be answering the Question I put to him a week ago as to the intentions of the Government upon this most important matter; and, if not, when he will be prepared to put the House in possession of their views upon it?

MR. GLADSTONE: My answer to the noble Lord's Question was that with respect to certain changes in the ordinary law my answer would be ready within a week or thereabouts; but I did not undertake to name the particular day upon which we should come to a conclusion with reference to the state of Ireland, or upon the very grave subject raised by the hon. Member for Whitehaven. With respect to the Charges of the learned Judges, I am afraid that we are not in possession of, nor do I know whether there are any authentic records of those Charges; but if there are, I shall have no objection to lay them upon the table. Of course, however, it would not be right to endeavour to make the learned Judges responsible for words in newspaper reports, of the accuracy of which we have no sufficient assurance.

COLONEL STUART KNOX: As the right hon. Gentleman has found fault with the quotations mentioned by the hon. Member for Whitehaven, perhaps he will inform the House from what newspaper he has himself quoted.

MR. GLADSTONE: I am almost ashamed to say that I have not yet looked at the name of the paper. I find, however, that it is *Saunders's Newsletter and Daily Advertiser*.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

BUSINESS OF THE HOUSE.

MR GLADSTONE appealed to those hon. Members who had Notices of Motions on the Paper on going into Committee of Supply to postpone them, in order that the Secretary of State for War might make his statement upon the Army Estimates.

Mr. MUNTZ, who had given Notice of Motion respecting the "Purchase System," and Mr. HERMON, respecting "Movement of Troops—The 80th Regiment," assented.

WHITWORTH GUNS.—RESOLUTION.

SIR JOHN HAY rose, pursuant to notice, to call attention to the proposed expenditure in a further competitive trial of the Woolwich and Whitworth Guns. He regretted exceedingly that, owing to the very peculiar circumstances under which his Motion was put upon the Paper, he could not defer it in answer to the appeal of the right hon. Gentleman the Prime Minister; and he was certain that he should have the House with him when he stated that the subject was not only germane to the Army, but had been referred to that very occasion by the First Lord of the Admiralty. It would be recollected that on a late occasion, when the Navy Estimates were about to be laid before the House, he had asked the right hon. Gentleman the First Lord of the Admiralty whether he was prepared to recommend a very considerable expenditure being made in order to carry out certain trials with respect to Whitworth guns, when the right hon. Gentleman had informed him that the documents relating to the matter were no longer in his power, they having become the property of the right hon. Gentleman the Secretary of State for War, and that, therefore, he must put his question to the latter. Under these circumstances, he felt it to be his duty to call attention to the subject under consideration on the Motion for going into Committee of Supply on the Army Estimates. The sum of £18,000 was to be taken in the Army Estimates for certain Ordnance experiments, and a considerable portion of that sum was to be devoted to trials between a 35-ton Whitworth gun and a Woolwich gun, that were to be made for the purpose of competing. In the first place, he wished to point out that the proposed trial was not calculated to give satisfaction to the country. If it were desired to ascertain whether the metal now used by Sir Joseph Whitworth was superior to that which he had hitherto used, and which had invariably failed in comparison with that produced at Woolwich, it would be necessary, in order to exclude all elements of confusion, to create two guns identical in all respects except the metal of which they were composed. If it were proposed to test the different systems of rifling, the guns should be identical in all respects except their rifling; and if it were proposed to test the relative merits of the projectiles, the guns should be identical; but he undertook to say that in the proposed experiment the Admiralty had submitted to the War Office that three elements of confusion existed—namely, rifling, projectiles, and size. The approaching trial would be a very expensive one, because Sir Joseph Whitworth had valued his gun at £6,000, and the Woolwich gun, that was to compete with it, would cost at least £3,000 or £4,000, while the manufacture of the projectiles to be used by them would also involve a very considerable expenditure; and the question, so far from being set at rest, would be set rolling, and would entail a cost of many thousands of pounds. Having pointed out the insufficiency of the experiment proposed, and the very considerable expenditure to which it would give rise, he called attention to the state of our knowledge on the subject and the reasons which had led to the re-opening of the question. As they all knew, the ordnance for the Navy was made under the authority of the Secretary of State for War, and the charge was made in the Army Estimates. It was, in fact, a matter of adjustment between the two Departments. The Secretary of State for War limited the expenditure, but he did not overrule the decisions of the Admiralty. Both Departments had professional officers to advise them, and, as he understood, they were—certainly the advisers of the Secretary of State for War—entirely opposed to the re-opening of the question. They thought, as he did, that the Woolwich gun was the best gun in the world. The experience and information possessed by the professional adviser and the concurrent information obtained from the Governments of Europe pointed to the disadvantages of adopting the Whitworth gun; and, in addition to that, the First Lord of the Admiralty had in his possession a Report—from which he was about to lay on the table certain extracts—of certain Brazilian officers, who, in the late war in that country, had had considerable practical experience of the Whitworth guns. The Brazilian Government applied to the Elswick Ordnance Company for guns; but in consequence of the number of orders they had in hand they could not supply them, and the Brazilian Government applied to Sir Joseph Whitworth, as the second best manufacturer in England, who issued them under circumstances which the Report would show. In active service they jammed in the bore and fouled after about ten rounds. The First Lord of the Admiralty said that happened in consequence of bad handling and bad powder.

That, again, confirmed what he said—that it was useless to adopt a gun that in the rough-and-tumble of active service would be rendered unserviceable by bad powder. He understood the recommendation for these new guns was not put forward by the professional advisers of either Department, and he was confident it was not by persons conversant with the use of guns, or who were likely to use them. He had been informed that the First Lord of the Admiralty and Mr. Reed, who was a very able shipbuilder, proceeded to Manchester. They were entertained by Sir Joseph Whitworth, and shown over his works, and they were so overwhelmed with what they saw that the Chief Constructor of the Navy, who had nothing to do with guns, thought it his duty to suggest that this trial should take place. The recommendation was sent to the Secretary of State for War, whose advisers condemned the proposal, which was communicated to the Admiralty, but the latter insisted that the trial should be made. The Secretary for War was in the hands of the Admiralty, and all he could do was to limit the amount to be expended. Certain trials of the Whitworth gun were made yesterday at Shoeburyness, which confirmed previous decisions that it was a good gun, but that the metal of which it was made was extremely treacherous and dangerous, for while the Whitworth shot cost five times as much as the ordinary service shot, it did the very thing its competitor was charged with doing; the ordinary service shot proved tough and firm, the Whitworth burst in the gun with the third round. And they were now asked to go to further expense in experiments to prove that it was a valuable metal, when it had been proved that one out of the three fired burst in the gun. It was for that reason he had interposed with an Amendment he should submit to the House, not with the view of pressing it to a division, but in order to give hon. Members an opportunity of expressing an opinion upon the subject. When in Committee he should propose the reduction of the Vote of £18,000 by £10,000, or any other sum thought desirable, and on it he should take the opinion of the Committee. He moved that it was inexpedient that the trial between the two guns should be proceeded with.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "further trials of Whitworth Guns are inexpedient,"—(*Sir John Hay,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARDWELL said, it would be more convenient to discuss the question in Committee on the Vote, not only because the money for the proposed experiments would then be asked for, but also because of the position in which the question really stood. He did not think the hon. and gallant Gentleman quite understood that position. As he (Mr. Cardwell) understood, the real truth was this—the Board of Admiralty were building a new class of vessel, and they were going to put on board them a new class of guns, of a different size to those now in the service. Sir Joseph Whitworth had invented a new metal for guns—which might or might not be superior to the metal of which the Navy guns now in use were made—and the Admiralty, before deciding what guns they would have for the new ships, were desirous of testing the quality of the new metal. The Council at the War Office appointed to deal with such matters, having upon it professional men competent to give an opinion, had received the tenders relating to the new gun, but had not discussed them. Having, therefore, no report from the Council, he could not state decisively what would be done; but inasmuch as it was possible the Council would recommend a trial, some provision was necessary; if, however, no trial were recommended, the money included in the Vote would not be taken. At the proper time a full explanation would be given.

MR. HANBURY - TRACY: Sir, having been appealed to by my hon. and gallant Friend (Sir John Hay), and having had some experience as a gunnery officer, I am anxious to say a few words on the merits of this question. Sir, when the right hon. Gentleman at the head of the Admiralty moved the Estimates the other evening, I am certain that no one could have listened with greater pleasure than I did to his clear, able, and comprehensive statement, and I confess it was with no little surprise that I heard in that progressive speech those words which I fear announced a retrograde step in our naval armaments. It will be in the recollection of the House that, after referring to the general satisfactory character of our naval ordnance, although he said that more trials were considered necessary with the 18-ton gun before expressing entire satisfaction, he acknowledged that all the smaller guns, as well as the trials of the large 12-inch 25-ton gun were entirely satisfactory, and that he had accepted this 25-ton gun for the *Monarch*, *Captain*, and *Glatton*. Now, Sir, I presume that the slight doubt raised as to the 18-ton guns had reference to the supposed failure of some guns on board the *Hercules*, about which all sorts of exaggerated stories have got about, but of which the simple fact is that the only damage done was that the small platinum tips of the vents gave way. This did not prejudicially affect the guns in the slightest degree, and if the guns had been in action it would probably have never been discovered, and, at any rate, would not have stopped the firing for one moment. Now, Sir, I am quite certain that this doubt will soon be removed, especially as the 18-ton gun has already been tested by about 400 rounds. The position we thus stand in is this—that practically all sizes of the Armstrong gun, or what is really properly called the service gun, are perfectly satisfactory, as the 25-ton gun, which is our present largest piece, is acknowledged by the right hon. Gentleman "to be entirely satisfactory." Now, Sir, this gun (the 25-inch gun) is amply large enough for all purposes as a land gun; it could pierce any armour-clad vessel afloat at 1,000 yards, but, as a ship gun, it is quite true that it could not pierce the armour which might be placed on a land battery—for instance an armour-plate such as is known as Jervis' Shield. And here arises the point of contention, for, allowing that a 35-ton gun is required, instead of pursuing the policy we have adopted since the famous Whitworth and Armstrong controversy of adhering to the naval service guns, and enlarging the construction of the guns, as the change of circumstances demanded, we are suddenly told that because it is thought possible Sir Joseph Whitworth may have discovered a new metal in the shape of compressed steel, which may or may not be peculiarly adapted for very heavy guns, that therefore the old controversy of Armstrong *versus* Whitworth is to be re-opened at enormous expense to the country. Sir, I am totally at a loss to understand what possible good can be derived from this trial. I would ask what possible guarantee have you in respect to this metal. Is it in the open market, has it any market value, and what possible advantage do you expect to derive from this Whitworth gun, if even constructed, which you cannot get from your service guns? The enduring power of your 25-ton gun no artillerist has ever doubted, and, certainly, I am not aware that any of our Ordnance officials have ever had cause to fear that a 35-ton gun of the same construction could not be manufactured of equal endurance. Perhaps, Sir, I may be allowed to explain that what is commonly called the Armstrong Gun, is really nothing of the sort, it is simply the "Naval Service Gun," which is constructed on the advantages gained from several systems. It is indebted to Whitworth, for its calibre and other proportions; to Palliser, for most valuable details; to Frazer, for a bold simplification of the coil; and to France, for a great refinement in the mode of rifling; and the ammunition is indebted to Palliser, Boxer, Noble, and Armstrong. I cannot hardly believe that it is really contemplated to open up the old controversy, as the theory on which it was based has long since exploded, and it is acknowledged by all the European powers, as well as by our greatest artillerists, that the polyginal system of rifling is a failure, and that the opposite principle of a yielding medium, either of a stud-rib or coating between the shot and the bore, is the best. But, Sir, I am quite confident that if once you open the question as to the larger size guns, it will be utterly impossible to prevent the trial being extended to the smaller guns. In 1867, our greatest naval artillerist, Admiral Cowper Key, in a letter to the War Office, gave it as his decided opinion that the old controversy should not be re-opened, in these words—

> "This system satisfies every requirement for the service; it would, therefore, be most impolitic to incur the enormous expense of introducing any other until some defect is discovered in that now adopted for which a permanent remedy cannot be found. The regularity or certainty of construction of heavy guns on Mr. Whitworth's system has not

yet been proved; that of the Armstrong coil or service system has been ascertained by the manufacture of many hundreds, by which its efficiency has been placed beyond donbt. The cost of Mr. Whitworth's gun is double that of a gun on the service system."

Admiral Key proceeded to say—

> "On a review of the comparative qualities of the two guns, it is evident that, for naval purposes, the Woolwich or service system produces the most effective weapon. The excellence of workmanship and many good qualities of the Whitworth gun are unquestioned; but when it is considered that, in addition to the large store of guns and ammunition on the service system now forming the armament of our ships, and finding their way to all parts of the world, these guns are now more efficient for naval purposes than those which are proposed to replace them, I cannot recommend that such a substitution should be sanctioned."

Such was the opinion of one of the first naval artillerists in this country. If it could be shown that there could be anything gained by this trial, I should be the last to oppose it, but I foresee nothing but confusion and waste of public money. In a financial point of view, what will be the result? I do not believe it would be possible to carry out these experiments without involving ourselves in an expenditure of at least £100,000. The controversy a few years ago led us into an expenditure of £32,000, and it should be remembered that then the guns were small as compared with these. It is estimated that Whitworth's 35-ton gun would cost £5,800, and the naval service gun, £2,500. Then every shot fired would cost at least £10 or £12; and, in order to test the endurance, it was necessary that 400 shots should be fired. What possible reason, therefore, could there be for going into this controversy? After spending an enormous sum of money, and ascertaining that the 35-ton gun on the Whitworth construction had, perhaps, slightly the advantage as regards endurance over the 35-ton gun constructed on the service pattern, we should merely gain a gun which would cost twice as much as the other. Sir, the only question is really of endurance, and, after spending so much money, it seems rather hard that this country should be called upon to bear the burden of proof as to whether its service construction is the most enduring. I do trust the House will not allow the old controversy of Armstrong *v.* Whitworth to be re-opened, as it can only have the effect of throwing our naval armaments into confusion, and of imposing an enormous cost on the country.

MR. CHILDERS remarked that it was not his intention to say a word as to the relative merits of the two systems, as he had stated last night that the Admiralty were perfectly satisfied with the naval service gun, and did not intend to supersede it. It was therefore unnecessary for him to comment on the opinions expressed by Admiral Key in 1867, with reference to that gun. He would merely state that his hon. and gallant Friend (Sir John Hay) had made the same mistake that his right hon. Friend opposite fell into the other night, in regard to the visit to Messrs. Whitworth's establishment. In point of fact, when he came to the determination to recommend that there should be a competitive trial, Mr. Reed, the Chief Constructor of the Navy, was not present, but his professional adviser, the Director of Naval Ordnance, was. His right hon. Friend and Colleague the Secretary of State for War was also there, and was also attended by his professional adviser, the Director of Military Ordnance. Both of these professional gentlemen recommended that the trial should be made. It was neither his own nor Mr. Reed's recommendation, but the recommendation of those gentlemen which was afterwards adopted by the Board of Admiralty.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) 115,037 Land Forces.

MR. CARDWELL: Mr. Dodson—The gracious Speech from the Throne informed us that the Estimates, while they would impose a diminished charge upon the subjects of Her Majesty, had been framed with a primary view to the effective maintenance of the public establishments. I trust that in the remarks which I shall have the honour to lay before the Committee I shall be able to substantiate that proposition, and to show that the Estimates have been founded on the principle which I ventured to lay down last Session—namely, that it is our policy in time of peace to maintain a force which shall be moderate in amount and susceptible of easy expansion, and the reserve for which shall be so within reach as to be immediately available on the occurrence of any public emergency.

But, Sir, before I address myself to this part of the question it will be right and proper that I should for a few minutes trouble the Committee with a statement of the financial bearings of the Estimates. The total charge for the year 1870-1 is £12,975,000, and for the year 1869-70 the total charge was £14,111,900; consequently showing a decrease of £1,136,900. But, Sir, I am not entitled to take credit for the whole of that decrease. There is an item in it which is only a transfer of account, and that is the sum of £67,400 for the pay of the colonels of regiments of the Indian establishment. It is now arranged that that shall be paid by the Government of India; and therefore, of course, it is not paid by us, and is not the subject of re-payment. Making allowance for that deduction, the real net decrease upon the comparative Estimate is £1,069,500. I should, however, like also to institute a comparison of it on the effective Estimate alone — because, as the House is aware, the effective Estimate is that over which we chiefly have control. Now, on the effective Estimate the case stands thus:—In 1870-1 the effective Estimate is £10,678,200, while in 1869-70 it was £11,929,100, being an apparent decrease of £1,250,900. The same deduction of £67,400 must, however, be made in this case also; so that the real decrease is £1,183,500. If compared with 1868-9 the total Estimate for 1870-1 is £12,975,000, against £15,336,800, showing a decrease of £2,361,800. But a deduction larger than the one I have mentioned must be made from that, because in the former year there was another Indian transfer of £136,000 in addition to the £67,400. Consequently a deduction must be made of £203,400, leaving a real decrease of £2,158,400; or, if you take it on the effective Vote, the Estimate of 1870-1 is £10,678,200, and that of 1868-9 was £13,212,400, showing an apparent decrease of £2,534,200, the real decrease, after deducting the £203,400, being £2,330,800. Before I close this statement of figures the Committee will be good enough to observe that it is all connected with certain reductions in the number of officers which do not come into the credit side of the account for the present year; these reductions, therefore, will be subject in future years to a further increase of saving. The Committee will, I think, agree with me that this statement bears out the assertion that these Estimates impose a diminished charge upon the public.

But then comes the question—Has this decrease of expenditure been attended with any sacrifice of efficiency? I hope I shall be able to show that the opposite is the case—for I entirely coincide in opinion with those who hold that saving effected by the sacrifice of efficiency is not economy. I believe the country is perfectly willing to pay all that can be shown to be necessary to secure the efficiency of the service. But, on the other hand, I contend that economy, when not pushed beyond the proper limit, is in itself an element of efficiency, and that without true economy efficiency can seldom exist. That being so, I wish to ask whether our Estimates are founded on any principle which tends to any diminution of efficiency? You may diminish efficiency by making savings. For instance, you may disband your regiments; but by so doing you lessen your military power. If you diminish the expenditure which has been of late years incurred for sanitary purposes and to promote the well-being of the soldier, you may to that extent impair the efficiency of your Army. You may, also, reduce expenditure in such a way as to render the Army unpopular with the public, or with the class from which you desire to recruit, and thus produce injurious consequences so far as efficiency is concerned. But if, on the contrary, you maintain your establishments, although reduced to a peace level, then I contend that you may accomplish reductions and yet may increase, instead of diminish, efficiency.

Sir, when I first entered on the duties of the War Department, it appeared to me that three circumstances chiefly led to what I could not help regarding as the very undue expenditure on the military services of this country. These three were our great colonial expenditure, the state of our relations, military and financial, with India, and the absence for a long time of any proper control over the supply departments of the Army. As to the last-mentioned important consideration, it was ably and wisely dealt with by my predecessor in Office, who instituted that department of control to which the Army and the public have been indebted for a considerable saving of expenditure. It became my duty to turn my attention, in the first place, to the subject of colonial expenditure; and last year, in entire co-operation with my noble Friend the Secretary of State for the Colonies, whose privilege it has been to take so great a part in consummating what I may call the colonial military policy of the country, very considerable reductions in our colonial expenditure were effected. In the year 1868-9, according to the financial Papers which have been laid on the table of the House, the expenditure in the Colonies was £3,388,023; in 1869-70, £2,589,886; and in 1870-1, it will be £1,905,538; or after allowing for repayments the military expenditure for the Colonies amounted in 1868-9 to £2,972,323; in 1869-70 to £2,237,886; and in 1870-1 it will amount to £1,596,538. That includes all the Colonies; but for this purpose all the Colonies, I may remark, are not Colonies in the strict sense of the term, some being Imperial stations maintained to uphold the naval and military power of England. I, therefore, in making this comparison will exclude Gibraltar, Malta, Halifax, Bermuda, and St. Helena from consideration, and I then find that the Estimate for colonial expenditure after repayments was, in 1868-9, £1,838,082; in 1869-70, £1,216,842; and in 1870-1, £674,256. Now let me pause to ask whether anybody is a gainer or a loser by this large reduction of expenditure? We certainly are gainers. Is anyone a loser? Do any of the Colonies complain of it? It has been your policy continuously ever since 1861, when you adopted the Resolution of Mr. A. Mills' Committee—it was your policy in 1865, when you passed the Colonial Naval Defence Bill—that the military expenditure of this country in the Colonies should be gradually, but steadily, diminished. The self-governing Colonies will, I am persuaded, adopt the language which Mr. Weld, the spirited Minister of New Zealand, used when I had the honour of being at the Colonial Office. The two Houses of New Zealand, using a simple syllogism, said to the Government of this country—

> "So long as you maintain the force by which we are protected, we cannot complain of your interference! we do not like your interference; therefore withdraw your troops."

Queensland also has called upon the English Government to withdraw the troops; and I am satisfied that the words I have quoted will express the policy which all the self-governing Colonies will ask you to pursue. Sir, this view was so well expressed by my right hon. Friend the Member for North Staffordshire (Sir Charles Adderley) in a letter which he wrote to *The Times* the other day, that I venture to quote an extract from it to the Committee. He says—

> "Every soldier withdrawn from Canada has been replaced by ten Canadian soldiers, which, in an Imperial view, means decupling the British strength for the defence of the whole Empire, and not, as these gentlemen view it, starving out the connection, and announcing surrender. In New Zealand the first certainty that one part of the nation would no longer fight the quarrels of another brought peace to all, not disruption, as these gentlemen predicted."

Sir, it is, it appears to me, impossible to express more clearly the true policy both of England and the Colonies. By maintaining a large force in your distant possessions you weaken yourselves, for your force, thus scattered and dispersed, is a cause not of strength, but of anxiety. We know that during the most critical period of the great French War one single frigate locked up three of the best French regiments in the island of Corfu. And what, let me ask, would be the advantage of two or three British regiments scattered among the Colonies at the Antipodes if we were engaged in a great European war? They would be no strength to the Colonies, while to us they would be a source of anxiety and weakness. My noble Friend at the head of the Colonial Office and I, therefore, have in co-operation so reduced the colonial force that, while the distribution of 1868-9 gave 49,650 combatants, that of 1869-70, 34,502, that of 1870-1 places the number of troops in the Colonies at only 23,941, the greater portion of whom are employed in garrisoning Gibraltar, Bermuda, Malta, and Halifax. This gives a reduction of 25,709 from 1868-9, and of 10,561 from the distribution of last year. I do not, however, claim credit for the whole of this reduction, for the late Government had already commenced to reduce the force in the Colonies before they left Office, and they would, I have no doubt, have gone further than they did in that direction if they had remained in Office. But the question now is, are we, by taking these steps, diminishing the efficiency of our army and weakening our military strength? On the contrary, I contend that this is an economy which is not only consistent with true efficiency, but which actually contributes to it, and adds to our power.

Having made these large reductions in the colonial distribution, the question naturally arises are we giving the benefit of them to the British taxpayer?—because if we are to do so we must reduce the number of men on the face of the Estimates. What we propose to do is to disband the Canadian Rifles, the Cape Mounted Rifles, the 3rd West India Regiment, and the African Artillery. We do not, observe, disband one single corps belonging to the British establishment proper; the only corps which disappear from the face of the Estimates being those colonial corps which I have just mentioned. And can anybody think that it is expedient that we should continue to pay the expenses of those colonial forces? The Canadian Rifles are, I believe, one of the finest corps to be found anywhere. They were originally constituted at a time when desertion to the United States was very prevalent on the part of the soldiers quartered in Canada, which they were placed along the frontiers for the purpose of preventing. It is, however, scarcely reasonable, I think, that we should now be asked to keep up such a force, when we are withdrawing the rest of our troops. Will anybody contend that the Cape Mounted Rifles should be kept upon the Estimates? I do not believe that anybody, either at the Cape or in this country, will so contend. The Cape Mounted Rifles were a troop of heavy cavalry, formed to do that which the excellent mounted police of the Colony can do infinitely better. We propose, therefore, to disband that corps. We have a much more pleasant reason for discontinuing the services of the 3d West India Regiment. When I first went to the Colonial Office I found two West India regiments quartered upon the West Coast of Africa. These two West India regiments were not considered sufficient for the duties they had to discharge, and there was a continual pressure for an additional force. However, the government of our Colonies on the West Coast was changed. One Governor from Sierra Leone now superintends the whole of those Colonies. This gentleman was in London last October, and my noble Friend the Colonial Secretary and I had the pleasure of hearing from his own lips that what two regiments could not do a few years ago two companies are perfectly competent to do now; and that, except for a temporary interruption of tranquillity between the Dutch and some of the Blacks in the neighbourhood of one of the settlements, which required the presence of two companies more for a short period, he would be quite content with two companies at Sierra Leone. The happy discontinuance of the slave trade also makes it difficult to recruit these West India regiments, and we shall be very glad to put down the 3rd West India Regiment, and to obtain the services of men to recruit the others. That, I think, is a very sufficient reason for the disbandment of these colonial corps. The reduction thus made—including sixty-four of the African Artillery—amounts to 2,530 men. Next I come to the question of India. If anybody will turn to the sixth page of the Estimates, he will find under the head of "Depôts in the United Kingdom for Regiments in India," that there are now taken for the Indian depôts 6,394 men, whereas last year there were taken 9,595 men, which is the same as saying that with two-thirds of the number of men we are doing all the work for India which we were doing last year. That is a clear advantage and economy; and I presume that no one will wish that one-third more men shall be employed when two-thirds are able to discharge the same duty. That accounts for 3,201 men, making, with the reduction of Colonial corps, 5,731. The Army Service Corps is 742 less in number than the corps which it has succeeded. Thus, 6,473 men are accounted for. Now comes the question, whether we ought or ought not to reduce the remainder of the force that we have at home. It appears to me that the answer to that question depends upon these four considerations—First, is the force which you now have in this country adequate to the purposes for which you require it? Secondly, is it distributed in a small number of corps recruited up to their full standard, so that you cannot easily increase them; or is it distributed in a large number of corps, so that you could, in a moment of emergency, easily and quickly recruit them? The next question is, have you any reserve upon which you can rely? And the fourth question is, if you reduce, what manner of reduction do you propose to adopt? With the permission of the Committee, I will give an answer to these four questions. The force that you have in this country, according to the present distribution of regular troops, is now 86,225 men. Last year the force was 87,224 men; the year before, it was 84,077 men. Now, I venture to say that, under the circumstances of the country, the first question is answered, and that the force is adequate. The second question is, is the force distributed in numerous *cadres* which cannot be easily strengthened, or in few *cadres*, the strength of which you have already discounted? These are the numbers—In 1868-9, there were ninety-seven batteries of artillery at home; in 1869-70, there were 100 batteries; and in 1870-1, 105 batteries. There were sixteen regiments of cavalry in 1868-9; seventeen in 1869-70; and nineteen in 1870-1. The Committee will understand that I am not making any invidious comparison; I have already stated that the late Government had begun the reduction; and I am speaking now only of the distribution. There were, then, at home, forty-six battalions of infantry, in the distribution of the Estimates in 1868-9; fifty-nine last year; and this year there are sixty-eight. This, I say, shows we have a force adequate for the service of the country, and that we have numerous *cadres* which may be rapidly expanded in case of emergency. But, then, the third question is, have you any Reserve upon which you can rely? Now, I will not speak of that Reserve to which I know the Committee look with interest and anxiety, and about which I shall say something by-and-by—I mean the Reserve which is to be maintained by the short service system. I only ask now what Reserves have you available at this moment? Well, you have the first Army Reserve and the Militia Reserve. The First Army Reserve is only 2,000 strong; the Militia Reserve is only between 9,000 and 10,000 strong at the present moment. But according to these Estimates, the First Army Reserve is to be 3,000—and seeing that it has arisen rapidly in the last year, I think we may calculate we shall obtain the 3,000; the Militia Reserve I confidently reckon at 20,000, because, though we were rather late in giving the notices, we had no difficulty in raising it to nearly half its strength last year. It is not desirable to raise the whole number of men in any one year, because if you take them all in one year their discharges would all occur in one year. There will be no difficulty, then, in raising the Militia Reserve in the course of the present year to 20,000. If that is the case, look at the force you have available for any purpose. I speak now of a force not merely available for defence at home, but available also for a foreign war. Now, what is your force at this moment? I am not speaking of the force raised, but of the force appearing on the Estimates of the year. You have, then, of Regular troops, 86,225; Militia Reserve, 20,000; and Army Reserve, 3,000, making a total force of 109,225 men. I do not doubt that when the Militia comes out for training, it will be easy to fill up the remaining half of the Militia Reserve. There are Militia colonels in the House at present, and they can speak with greater authority than I can; but that is the belief which my inquiries justify me in expressing. If so, we have an available force of 109,225 men. I have here a Return, showing what the force of this country has been at various times throughout a long list of years. I find some years in which the actual force may have been exceeded; but there is not one in which the force exceeded the force for which these Estimates provide, if you include the Reserves; and I think that, under these circumstances, it was the bounden duty of the Government to give to the British taxpayer the full benefit of the colonial reduction. I do not think it to the interest of the Army itself to maintain it at so high a standard as to give reasonable cause for complaint of the pressure of taxation; and I think that if we had hesitated to give the benefit of this remission to the British taxpayer, there would have been felt that impatience of taxation which is as ready to be expressed now as it was in the time of Lord Castlereagh, but which is not to be called "ignorant" impatience, because it is armed with knowledge—and knowledge now is power—and is capable of making itself felt. I contend, therefore, that we are fully justified in the reductions we have made, and that, in making them, we have not, in the slightest degree, impaired the efficiency of our military establishments.

I will just mention in passing that the Staff in various foreign countries, and also the Staff in Ireland, have sustained some reduction in the course of the present year. There is also one addition to the Staff. The Inspectors of Reserve Forces are now transferred from the separate branch and made part of the general Staff. The whole expense of the Staff this year is £82,031; last year it was £90,801; and the year before it was £96,848.

Having made these reductions, ought there to be any reduction in the number of officers? That is the question to which I now invite the attention of the Committee. To me it appears that when you have reduced the companies to fifty in a company, it is not necessary that we should maintain the same number of subaltern officers that we have hitherto maintained. I doubt whether the number was necessary before, for I do not know a more melancholy sight for a person who has arrived at the time of life to which many of us have unfortunately attained than to see a youth full of energy, vigour, and spirit, the junior of a long list of ensigns, quartered in some dismal village, having nothing to do, without hope of early promotion, and driven to his wits' end to find useful and profitable occupation. You have—and it appears to me very desirable that you should have — your Commissions on Military Education, who have recommended both garrison and regimental instruction, and that there should be examinations before men are permitted to obtain promotion; but it is almost a mockery to have these things and then send young men unnecessarily to places of temptation, where neither education, advice, nor anything else in the majority of cases will be sufficient to attain the object you have in view, of which you will inevitably fail, unless you give them occupation. I need not say that Idleness is the mother of Mischief — "*Res age tutus eris.*" We all know who finds work for idle hands to do. It was therefore necessary for us to consider the question of reducing materially the number of subaltern officers.

But before I proceed with that subject let me allude to the relation of our military finances with the finances of India. I stated to the Committee last year that by the then subsisting arrangements with India we were losing £150,000 a year. I find I understated the loss, for I have ascertained that it was in the last year £211,000. I ventured last year to state that it would be necessary to put an end to such a condition of affairs. But meantime what happened? In October there came from India the news of that extraordinary financial cloud which rendered necessary immediate measures on the part of India to obtain relief from military expenditure. The first application which the Government of India made was for us to take four cavalry and seven infantry regiments from India, and let them be a burden on the British instead of the Indian Exchequer—a proposal which we most respectfully declined. It became their duty to see whether we could not accomplish some better arrangement by which both the Indian and our own burdens might be lightened without in any way impairing efficiency; and as so many individuals would be affected, it was also necessary to ascertain what would be the most considerate way, the way by which we should impose the least suffering and privation. That was no small task to undertake, but I hope to be able to show that the result will accomplish these objects—to save money to both Exchequers, and yet be compatible with efficiency. The first proposal was to put an end to the depôt battalions, which were a cause of expenditure about which the Indian Government was always making a complaint against us—saying that, what with time-expired men and invalids and men not fit for the service, we were maintaining, and charging to them, an expense which was manifold what they thought it ought to be. The first necessity therefore was to abolish the depôt battalions. The second was to abolish the second majors in the Indian cavalry regiments. Until lately there were no second majors in the cavalry at home, and it was the custom when a regiment went out to India to appoint a major, and when the regiment returned to get rid of one; but these perpetual changes were found to be so highly inconvenient that two or three years ago it was determined to have second majors at home. Now, we propose the reverse process—to have no second majors either at home or in India. Besides the second majors there is another inconvenience with reference to the reliefs for India. The ideal of a plan—it is only an ideal, for military men will see that it cannot be carried out at once in its entirety—the ideal is that when a regiment consists of two battalions, one battalion should remain at home while the other goes abroad. When my noble Friend (Earl De Grey) effected a reduction of the Army some years ago he reduced the regiments at home to ten companies, but left the battalions serving in India with twelve companies. That is a most inconvenient arrangement, besides being hard on individuals and expensive to the State. We think the best course is to take the same step with regard to the regiments in India that was formerly taken with regiments at home, and to reduce all to the uniform strength of ten companies. The plan is to have a regiment of two battalions, consisting of twenty companies, with twenty captains and only thirty subalterns—the ten junior subalterns, four at home and six abroad, being on ensign's pay. Each battalion would consist of thirty officers, seventy non-commissioned officers, and 500 rank and file. With regard to the Cavalry, it was found that when a cavalry regiment was sent abroad, if it consisted of only six troops, a squadron had to be broken up in order to leave a depôt at home. Great inconvenience was experienced from this formation at the time of the Crimean War, and therefore every regiment was made to consist of eight troops. But it has appeared to us if you want to send six troops abroad it would be sufficient to leave one troop for a depôt at home, and therefore every cavalry regiment will consist of seven troops instead of eight. That would make each regiment consist of twenty-four officers, fifty-one non-commissioned officers, and 407 rank and file. The change made last year by which the squadron was substituted for the troop formation has been represented by the Duke of Cambridge, upon the authority of many distinguished officers, and particularly Lord Strathnairn, as not having worked to their satisfaction, and therefore it is desirable to return to the former plan. With regard to the Artillery, we propose that the depôt brigade at Maidstone should be abolished, and that at Woolwich much reduced. The Royal Horse Artillery will be strengthened by 282 officers and men from Maidstone, to supply the drafts for the Royal Horse Artillery in India. Each field battery of Royal Artillery will have ten more drivers and ten fewer gunners than before, in order to furnish the drivers for the brigades in India. The gunners are to be trained at Woolwich. In addition to that, as we have now a much larger number of batteries at home than we had before, we think it right to reduce the garrison brigade by one subaltern, one non-commissioned officer, one bombardier, and five gunners for each battery, making a total reduction of 101 officers, 203 non-commissioned officers, and 1,606 gunners. The total reduction thus made being 21 cavalry majors, 28 captains, 28 lieutenants, 45 cornets, 174 captains of infantry, 310 lieutenants, and 532 ensigns, thus giving a total of 1,239 officers, whose annual pay amounts to £164,355, there being of those 754 officers on the British establishment, whose pay amounts to £96,560.

Now the question arises, "What is the mode in which the change is to be carried out?"—because you have Woolwich and Sandhurst with which you must keep faith, and you must also keep faith with those who have been examined for direct commissions. It is impossible that we should continue the Staffs of the depôt battalions and colonial corps as supernumeraries; because those battalions and those depôts have ceased to exist; there is therefore no mode of providing for them except they go upon temporary half-pay until such time as the Duke of Cambridge is able to find them employment. Those who know His Royal Highness will readily accept what I say—that he is anxious to find employment for as many as possible of these officers. We propose to take the same course as was taken when Earl De Grey effected his reduction, and to continue them supernumerarily until they can be absorbed, And I have made an arrangement, which my right hon. Friend the Chancellor of the Exchequer has accepted, by which, as was done in Earl De Grey's case, there should also be, on the recommendation of the War Department, twenty-five unattached lieutenant-colonelcies, fifty unattached majorities, and 100 unattached companies to meet the claims of officers and stimulate the rapidity of the absorption. As to vacancies, there is a larger number of cadets at Woolwich than the usual establishment contemplates, on account of the young Engineers who have lately been required for service in India. It will be my duty to take care that we act fairly and considerately by the Woolwich cadets; but I must frankly say I do not see my way to absorbing more than one vacancy in three, which will spread the whole process of absorption over a period of from five to six years. We shall, of course, take care also to limit the admissions to Woolwich, so that claims may not arise to an extent beyond what we may have the power to control. As regards commissions in the Line, there are now at Sandhurst 219 cadets, and 183 besides have reported themselves ready to be examined for direct commissions. It is expected that there will be in each year 360 purchase and eighty non-purchase vacancies, making together 440. If we absorb one in two, that will, perhaps, limit the number of those to whom the term "vested interest" ought strictly to be applied. But there are, besides, 385 young men who have reported themselves ready for examination; and there is a very large number, indeed, of cadets on the books for the Army who have not reported themselves ready for examination. It must be perfectly obvious to anybody that to stop the stream at any point would be extremely inconvenient. Although you may be compelled to limit it, it is desirable—I might almost say necessary—to keep up the stream and not put any sudden barrier across it. I would only say, with regard to those who have not yet been examined, and who have not, strictly speaking, vested interests in commissions, that it is the intention of His Royal Highness and myself, and of those whose duty it is to do so, to consider what will be the best course to adopt as soon as this statement has been made; because this statement will give to parents a knowledge of what the prospect is, and then we shall be in a position to tell them what the examination and the terms and conditions will be.

This brings me to another point in this somewhat complicated question—I mean the subject with respect to which my hon. Friend the Member for Birmingham (Mr. Muntz) has given notice of a Motion. I do not know whether anybody is, in the abstract, an advocate of the system of purchase. I am quite sure that anyone who has been Minister for War, if he has any elements of selfishness in his composition, would not be very sorry to see the system terminated. I know of nothing so perplexing and so embarrassing to have to deal with; and it constantly reminds me of the saying of a character on the stage with which we are all familiar—"It is one of those things that no fellow can understand." These reductions bring upon me the necessity of considering one point in connection with the subject of the hon. Member for Birmingham's Notice. For every one of those commissions that are absorbed there will have to be paid by somebody, or there will be lost by somebody, the sum of £450, which has been paid under Royal warrant for the purchase of the first commission. Well, the question is, where is that sum of money to come from? Is the officer of a higher rank to lose it because there is nobody to pay it? Is the parent who is to bring his son into the Army to pay an increased sum for the purchase of the first commission in order that the reserve fund may be augmented to meet this claim? It appears to me that neither of these courses would be satisfactory. There is, therefore, only one resource left, and that is, if we are to do this, to appeal to the generosity and liberality of Parliament. And, I must say, I was greatly encouraged when I saw on the Votes the Motion of my hon. Friend the Member for Birmingham, because he invited this House by his Notice—though with his usual courtesy he has waived it for to-night — to compel me to do that which he will find I am already prepared to do to a certain moderate extent without the influence of such coercion. I wish to ask the House of Commons to give the £450 upon the commissions that are to be absorbed, and I have placed in the Non-Effective part of the Estimates a sum of money for that purpose. But there also arises immediately another question, and it is this—When you have thus reduced the number of subalterns, you must have them all of the same rank. It will not be well if you have in a battalion at home ten lieutenants for ten companies, and four supernumeraries for the vacancies which leave, sickness, and so forth cause; it will not do that they should be of different ranks, one a lieutenant and one an ensign—they must all be of the same rank. In other words, the train of events that I have narrated has led me to the necessity of dealing with the question which my predecessor recommended to my consideration — the question—namely, of the abolition of the rank of cornet and ensign. What we propose to do is to abolish altogether these ranks, and to make everybody who enters the Army enter as a lieutenant, as is the case with the Artillery and the Engineers. Not, indeed, that they are all to have lieutenant's pay, but, as is the practice in the Artillery and the Engineers, we propose that the ten senior lieutenants only, as now, should have lieutenant's pay, and that the juniors should still be, as in the Artillery and the Engineers, on ensign's pay; because as they have still their business to learn and are only just joining the Army, we could scarcely ask Parliament to pay them an additional amount. [Sir JOHN PAKINGTON asked a question.] The former number of subalterns to a battalion was twenty; by our plan it will, in battalions at home, be reduced to fourteen. Well, Sir, that will entail on the public, if it is agreed to, the necessity of providing the sum for doing away with the bar between the ensign and the lieutenant, or £250; and for that object I have inserted a further amount of £45,000 in the Non-Effective portion of the Estimates—making altogether £94,000. It must be understood that every lieutenant will pay for his company £1,350 as he does now, because we do not propose to alter the price of a company; we only propose to abolish entirely the bar between the ensign and the lieutenant. What I want to explain to my hon. Friend the Member for Birmingham and the House is this—You will, if you assent to this proposal, have to expend in this year a sum of £94,000, and before the process is entirely completed the cost will be £509,500. Let me now tell you what you will receive in return for that expenditure. In the first place you will gain £148,000 a year on pay alone, besides allowances—no bad interest on the money you lay out; and, further, you will gain this advantage, that every youth who enters by purchase, and every youth who by competitive examination obtains a non-purchase commission, and every meritorious non-commissioned officer who now obtains promotion will be at once promoted to be a lieutenant, and being a lieutenant, he will rise by seniority until he becomes a captain. That will be a great benefit to him. The purchasing lieutenant will obtain his lieutenancy for £450, whereas he now pays £700 for it, although eventually it has to be paid back again on his obtaining a company. Now, anybody hearing that it has to be paid back would naturally suppose that the public would get it back; but that is one of the perplexities which this purchase question always involves. The truth is, it will come back, and the public will find that they never get it. What, then, has become of it? It has paid for removing one step from the ladder of the purchase system. My hon. Friend the Member for Birmingham, when he comes—if ever he does come—to wind-up the whole purchase system and to pay the compensation which that system involves, will find that all this money has already been placed to his credit, and that ultimately the cost, if ever it is wound up, will to that extent be diminished.

Reverting, then, to the proposal which the difficulties of India led us to consider, it is shortly this—We have abolished the depôt battalions, we have reduced the twelve-company regiments in India to ten-company regiments, like those at home; we have done away with the second majors in Cavalry regiments; and we have made a large, but I think a truly beneficial, reduction in the number of subaltern officers. I cannot conceive that it is for the advantage of anybody that he should be placed in a profession in which he has not, at the moment of entering it, active and important duties to discharge. I do not think that it is a good thing for the Army that there should be more subalterns than are required to do the work; and I do not think it is a good thing for society to abstract from it a number of young men who, devoted to other pursuits, might acquire distinction and add to the strength and dignity of the country. These are the proposals which on this difficult subject we have thought it right to make. As economy was necessary, I hope the Committee will be of opinion that we have accomplished it in the most beneficial manner.

Now, Sir, I pass from our Regular forces to another subject on which I know that many of those who hear me take a greater interest than they do in even the Regular forces. I speak of the Reserve. Last year we had a good deal of discussion in this House about the best method of augmenting our Reserve forces, and I think it was agreed that the mode by which we could best accomplish that object was getting men to enter the Army for a short service and then passing them back into the community of civilians, with the understanding that they should be ready to assist in defending the country in case of emergency. This is not an easy subject—it is not to be doubted that it is a very difficult subject—and I will not conceal from the Committee that some of the most experienced officers do not expect such a plan to succeed. Their reason for that opinion was this—they thought that when persons of the humble condition in life of ordinary recruits entered the Army, they did so with the view of spending the best part of their life in it and of acquiring a pension for their old age. We have no conscription, and therefore anything we do in this way must be done with the consent of the recruit. I have a great respect for the opinion of the experienced men to whom I have alluded; but my answer to this objection is, that I hope for better things. I look forward to seeing the broad line of demarcation between the Army and civil life in some degree diminished. We have adopted the system of allowing soldiers to learn trades, of permitting them to spend their spare time in some useful labour, and I think we may expect to see many of the young men of this country passing through the Army, learning trades in it, and afterwards returning into civil life, to be ornaments and advantages to those around them, and, at the same time, to be ready to contribute to the defence of the country in case of emergency. Our plan is this—that the enlistment should be for twelve years; but that if the regiment be about to go abroad—to India, for instance—the actual period of service with the standards should be for six years. In the case of regiments likely to remain at home—say regiments just returned from India—the period of actual service with the standards might be still further reduced. I think there would be no difficulty in reducing it to three years; but, of course, I speak tentatively, for the proposal must be regarded in the light of an experiment. We propose that after the period of service with his regiment the soldier should be permitted to re-enter civil life, but to be called out as the Royal Naval Reserve men and the men of our present Army Reserve are called out. While under this obligation he will receive a payment of 4*d.* a day, which is about as much as the soldier serving in the Army receives of money paid direct. There may be re-engagement, but that will be optional on both sides. There will be no claim to re-engagement, but it will not be prohibited. There are constitutions, for instance, which cannot stand the climate of India for more than a short period, but there are constitutions for which a long period of service in that country is suitable, so that in all probability we shall have men anxious to re-engage for service in India. Soldiers would not, of course, have any claim to pension for the short engagement that we propose; but we think this engagement from its nature will be the means, if it succeed at all, of drawing into the Army a large number of men who otherwise would never join it, and will add a large number to our Reserve forces. We do not propose, after their period of service with the standards, to have them drilled in the manner Regular troops are drilled. During six years of actual service in the Army they will have learnt sufficient to fit them for service, if required, during the remaining six years of their engagement. We propose that after leaving their regiments they shall have the same sort of training as the Volunteers—drill in the evening—which will not oblige them to leave their ordinary employment. [Sir JOHN PAKINGTON: Will the service for the first six years be compulsory?] Certainly. The enlistment will be for twelve years; six with the standards, and six subject to the same arrangements as obtain in the Naval and Army Reserve. I am now speaking only of the Infantry. While proposing this plan we do not intend altogether to give up our present mode of enlistment, because as we cannot be certain that we shall succeed we must have the means of falling back on the existing system. But to the experienced authorities who say that we shall not get recruits under our new plan, because the recruit joins the Army with the intention of spending most of his life in it and of looking to a pension, I make this answer—"You and I are talking of two different persons. You are speaking of the man who now joins the Army. I admit that he wants a longer service and a pension; but I speak of the man who does not now join the Army, but whom we wish to induce to join it, of the young man who is reluctant to spend all his life away from his own village; who may wish to contract marriage, but who would give a good deal for the advantages of training in the Army for a few years." There must be inducements to men of that kind to enter the Army, for they do not enter it now. The plan I have described does not apply to the Cavalry or the Artillery.

Having explained what our proposal is, let me now pass to the subject of recruiting generally. The Report of General Edwards on this subject will be a source of much gratification to hon. Gentlemen who take an interest in the question. The appointment of that officer, and the changes he has introduced, are due to the recommendations of the recent Royal Commission. Now, we all know what the state of affairs used to be. How often and how justly was the reproach thrown at us that, though we did not have recourse to the conscription, after the fashion of Continental Nations, we had resort to fraud, and that we obtained our soldiers by means of which there was but too good reason to be ashamed. Let me read a few lines from the Report of General Edwards, to show the Committee the changes that have been introduced. He says that—

> "An improved class of recruits has been obtained since May, 1869; the minimum height was 5 feet 6 inches, it was raised the other day to 5 feet 8 inches, and that did not stop recruiting."

I may observe that the number of young men willing to join was so much in excess of our requirements that we were obliged most unwillingly to stop recruiting for a time altogether. No doubt if we chose to reduce the standard of height a greatly increased supply of recruits could be obtained, so that the present is a very favourable time for trying the short-service experiment. General Edwards goes on to say—

> "The *physique* is very satisfactory. There is no difficulty in recruiting for the Cavalry; improved arrangements have been made for local medical inspection, and there is, therefore, now no chance, as there used to be, of recruits being sent up from the country and being often rejected by the surgeon when they joined their regiment. In this way much injustice and expense have been saved. On proof of deception the recruit is discharged, and the expense charged to the recruiter. Recruiting is now removed as much as possible from public-houses. If a man is recruited when drunk he is at once released, and the recruiter is punished. As soon as he is attested"—and this I think most remarkable—"the recruit is instructed how to proceed, a railway ticket is given to him, and he is sent, without any escort, to his regiment."

This began on the 1st January, 1869. In the course of that year, 8,182 recruits were thus sent, and how many does the Committee suppose failed to reach their destination? Seven individuals. This is not only a great saving of expense—but I am ashamed to mention expense in connexion with the subject—it is a question of the greatest moment as showing to you and to foreign nations that you have free enlistment—that you have not kidnapped your men, but that they have joined your standard from patriotic feelings, and a desire to serve their country.

If we have a Reserve, the question now is, how is it to be made use of? At the present moment we have reserve districts, we have recruiting districts, and we have pensioner districts, which are not conterminous with each other or with the divisions of the general officers. There is no uniformity either of system or of responsibility. I hold in my hand a map which has been prepared, and which will divide this country into nine great military commands, with fourteen districts within those commands, conterminous with them and with the counties, which will make this country one for all military purposes. The Inspectors of Reserve Forces, as I mentioned before, have become Inspectors on the general Staff of the Army, in order that they may be part of this general united military administration. There will be twice as many recruiting districts as before. There were before four in England, one in Scotland, and two in Ireland, or seven in all. There will now be fourteen. There will be recruiting stations open at London, Dover, Bristol, Portsmouth, Plymouth, Birmingham, Peterborough, Liverpool, Manchester, Newcastle-on-Tyne, Glasgow, Edinburgh, Inverness, and Dublin. And I venture to say that when this system has been introduced and brought into effect you may expect to see a consolidation and economy of the Staff of the Reserve forces, which at the present moment appears to require the improving hand of an economical administration. It cannot be done suddenly; but the first step is taken when we have united them all under one government. I said a few minutes ago that the first class of the Army Reserve was on the 1st of January, 1869, only 1,006. On the 1st of January, 1870, it was 1,939 and I do not think I am too sanguine in making provision for its becoming 3,000 during the present year. With regard to the Second Reserve, I have only taken 20,000 as the number, because it is the largest number which, under the present regulations, can be made available. Those regulations require that every person who becomes an enrolled pensioner shall reside within thirty miles of the head-quarters of the district to which he belongs. I think, however, that in these days of extended railway communication, and also taking into account the changes in the military Staff, we shall be able by degrees to make the rule more elastic and to include in our Reserve a large number of pensioners, who are for all defensive purposes a most valuable force. With respect to the Militia, in the course of last year 32 regiments were armed with Sniders, and we propose to issue 25,000 more Sniders to the Militia in the course of this year. In 1869 seven regiments were stationed at Aldershot and Shorncliffe, and forty-one, including the seven, were put through battalion manœuvres. The result was satisfactory, and the same course will be pursued during the present year. All the regiments were directed to go through a course of musketry practice. The exceptions were very few, and were only those of regiments which could not obtain ranges. The very small concession we made last year to Militia officers has been received as a token of friendship on the part of Parliament, and there are thirty-seven more subalterns this year than last. We have determined that no regiment should be recruited over 1,000, and to recruit up the smaller regiments. The Inspector General is preparing regulations for establishing greater uniformity of drill practice, and brigading will be resorted to as much as possible.

And now I come across the very disagreeable subject of billeting. It is very difficult to know how accommodation is to be provided at the public expense—whether at the expense of the Consolidated Fund or the local authorities—for men who only want accommodation for about six weeks in the spring-time of the year. It has been suggested that in some counties, if they could but secure the annual billet money for a certain period, they would erect buildings for the purpose of providing accommodation for the Militia. I mention that proposal and it must be taken for what it is worth. I may, perhaps, take this opportunity, as I am speaking of the Reserve forces, of saying that I have taken pains to prevent the continuance—I am sorry I cannot say the introduction—of the system of purchase with regard to adjutancies. I hope the step which has been taken is effectual. We have issued a circular stating that we do not undertake to appoint any adjutant at all when a vacancy occurs. We shall first see whether the Staff in the neighbourhood is such as to require any new appointment, or whether by consolidation and absorption we may not save the expense of the adjutant. I cannot pass away from the Militia without saying a word about quartermasters. It is a subject that has excited much interest in the House. I hope I shall be considered as duly submitting to a very general wish, on the part of many hon. Members on both sides of the House, if I say that I am willing to acknowledge the claim of the quartermasters to a retiring allowance. And I say it with this qualification—that I propose to offer it optionally this year, but to be a little more peremptory when the next Estimates are prepared, and to say—"Gentlemen, here is your retiring allowance, but the word 'quartermaster' is for the future to be omitted from the Estimates." It appears to me that the adjutant, having duties to discharge only for the space of six weeks during the year, may, with the assistance of the quartermaster-serjeant, very well discharge the duties of the quartermaster. The terms of retirement I offer are 4*s.* a day after fifteen years' service, 3*s.* 6*d.* after ten years, 3*s.* after five years, and 2*s.* 6*d.* below five years. I think that if these terms are compared with those of the old Act of Parliament they will be found sufficiently liberal. In 1869 3,142 Westley-Richards rifles were issued to the Yeomanry. Those Yeomanry who were not supplied last year, have been invited to send in requisitions. We have exerted ourselves to make such changes in the Yeomanry as we think may entitle them to the confidence of the country. What we desire is that they should be instructed to perform the duties of mounted riflemen; and we propose to require a specified number of drills, not to train regiments of less than four troops, and to limit the establishments to eight troops of an average of fifty; the number of officers to be according to the Cavalry establishment. With regard to the Volunteers, the number enrolled on December 1, 1869, was 195,287. There was a diminution of 3,907; but that arose only, I believe, from a few small corps having been disbanded, and also from our declining to recognize twice over those men as Volunteers who were already in the Militia. This year the number of efficients is 168,477, making a diminution of 1,821. The proportion of non-efficients to efficients was 14 per cent in 1868, and, in 1869, 13 per cent. The proportion of extra-efficients—and I particularly ask the attention of the Committee to this point, because we have been very desirous to make as many of the Volunteers extra-efficient as we possibly could—has increased. The number of extra-efficients is now 105,560, being an increase of 3,336. The proportion of those who did not become extra-efficients to the whole number enrolled was, in 1868, 36 per cent; but in 1869 it has fallen to 33 per cent. I have added to these Estimates a capitation grant for the staff of the administrative battalions, which has been formerly omitted, but I think by mistake; for I scarcely see any reason why they are not entitled as much as the rest of the body to a capitation grant. We desire by all means in our power to increase the efficiency of this force in every possible way. We propose to open at Aldershot, and other places, schools for the instruction of Volunteer and Militia officers, upon the same principle as that upon which the officers of that force in Canada have recently been trained. The Inspector General of the Reserve, General Lindsay, was himself for a long time quartered in Canada. He took an active part in the training of the Canadian forces, and I do not see why a system of the same kind should not be available here in training officers of the Militia and Volunteers. At any rate we shall make the offer, and I trust it will be found acceptable. Nothing can be more satisfactory than the Report which Colonel Elwyn, at Shoeburyness, gave of the visit of the Artillery Volunteers to that place. I have ventured to propose to the Committee that those who take the trouble—and it is no small trouble—of going to Shoeburyness to spend a fortnight for the purpose of being trained in the actual practice of gunnery, shall be able to earn an additional 10*s.* of capitation upon obtaining from Colonel Elwyn a certificate of competency.

I will now, Sir, say a word as to a matter which has formed a subject of much conversation during the Recess. The question is—what change shall be made in the capitation grant to the Rifle Volunteers. The point is not yet settled; but I am authorized by the Government to say plainly—what I believe has not been said before, and what certainly was not said when the Commission sat ten years ago—that we entirely admit the principle that we should pay all necessary expenses. The question, of course, is, what are necessary expenses? With the view of arriving at a solution of that question, we have analyzed a great number of accounts of different corps. We are not altogether agreed as to the result of that analysis. The thing is not yet settled; but I am sure my noble Friend the Member for Haddingtonshire (Lord Elcho) will give me credit for sincerity in saying that the Volunteer force has not a more respectful admirer than myself, and I shall only be too happy if we can arrive at a conclusion favourable to them; but it is equally clear that until we can arrive at a conclusion which we can entirely recommend, the Committee will hardly expect me to enter into the matter.

Having said all I have to say about the Reserve Forces, let me take stock before passing to another subject. The total force provided for is as follows:—Regulars and First Army Reserve and Militia Reserve, available for foreign service, 109,225; Second Army Reserve, 20,000; Militia, less Militia Reserve, 63,600; Yeomanry, 15,300; Volunteers, 168,477. These figures are exclusive of the Irish Militia. All these forces are now for the first time combined in one military system.

I wish to say a word on the subject of the great improvement which my right hon. Friend opposite introduced into the public service—I mean the control department. We all know that that change had its germ in evidence given by Sir John M'Neil on his return from Sebastopol, that it found some expression in Sir James Graham's Committee, that it was supported by Earl De Grey, that it was a result of Lord Strathnairn's inquiry, and that it was adopted by the right hon. Gentleman opposite. Difficulties, no doubt—there could not but be difficulties — have been experienced in the introduction of a plan so new and comprehensive; but I am confident that in time those difficulties will all be removed, and that the success of the experiment will be complete. One point which had to be considered was, whether it is desirable to unite the munitions of war with the military stores. That is an important question, and men of high authority are ranged on both sides. I shall not enter into a discussion of it; but my own opinion is, that the same principle which has already been acted upon in the adoption of the system generally would naturally lead to the combination of the munitions of war and the military stores, for if there should be a divided authority you might have double stores and double transport provided. The same ships would go from Woolwich to Lisbon, and the same mules from Lisbon to Salamanca, whether laden with ammunition, or with tents or forage. It is quite true that where there are munitions of war there must be men specially trained and competent having knowledge of what munitions of war are: it appears to me, however, that both theory and practice are strongly in favour of the union of the two. It is stated sometimes that this system is expensive; but it appears to be productive of the greatest economy; and the highest salary is now less than when the Commissariat was under the Treasury. By the Estimates of 1868-9 it appeared that the officers were 662 in number; in 1869-70 they were 563 in number; and for 1870-1 they are taken at 483 in number. The salaries amounted for the first of those years to £222,612; for the second year to £189,664; and for 1870-1 they are £177,477, being a reduction of 179 officers, and £45,000 of salaries. It is quite true that there has been a great retirement; but the great majority of the officers who have retired were already entitled to retirement. On the first establishment of an effective system of control there may have been some difficulties, but Lord Strathnairn in Ireland, Sir Charles Windham in Canada, General Hay at the Cape, and Sir George Buller at Portsmouth have expressed decided opinions in favour of the new system. With regard to the Store Vote there has been a great reduction—in two years the reduction is £641,370. That is a perfectly legitimate reduction; but I do not want to represent it as if we were not in some degree living upon our stores; and I would explain that it is so to a certain extent, for if at present we were required to arm any force with the old smooth-bore guns, we should take them from the stores in our hands and we should not replace them, because we do not know what will be the gun of the future, and next year we may have a considerable expenditure for the Henry-Martini rifle, if that weapon shall after trial be finally approved, so that you may have in one year an abnormal expenditure, and in another an abnormal economy. There is no doubt, however, that the system will be found beneficial to the service and economical to the public. In the Store Vote money is taken for the conversion of 508,017 rifles and for 33,480 new Sniders. The normal reserve is 400,000, and the present reserve is 310,000, and it is not thought expedient to increase it; for we do not know but that next year the Henry-Martini rifle may be adopted. With regard to iron ordnance we have the armament complete for sea service, and guns at hand for land service for every position that will be completed within twelve months; we shall have carriages complete for the sea service, and within the usual period of the next twelve months carriages for the land service. With regard to gunpowder, I have to observe that there is a large store on hand of ordinary gunpowder, quite sufficient for our wants, and machinery has just been ordered to be fitted up for the manufacture of Pebble powder. An ingenious officer in the Artillery, Captain Andrew Noble, has invented an instrument by which you can measure the velocity of projectiles within the barrel of the gun so minutely that I am told that the hundred-thousandth part of an instant is an appreciable quantity of time. The result of these observations is that you can measure the velocity of gunpowder at the moment of ignition, that you can draw a curve which will show what gunpowder is tending most to burst the gun; that with the same initial velocity at the mouth of the gun you may have a much less velocity at the point where ignition takes place, thereby, of course, much diminishing the tendency to burst the gun, and consequently hereafter the necessary expenditure upon your great guns. This is the cause of our manufacturing the new kind of gunpowder, from which we expect a great economy is likely to accrue. I do not know whether the Committee would like me to say more upon the subject of the War Office, as I have had occasion two or three times to speak upon this subject during the course of the Bill which has been before the House this Session; but I would make this remark—Some persons have thought that there has been a difference of policy between my right hon. Friend at the head of the Admiralty and myself, because the course pursued in regard to both has not been exactly identical. On consideration they will see that the same policy, addressed to totally different circumstances, must of necessity be productive of different results. My right hon. Friend who succeeded to the Admiralty found Friends to whom he could look for assistance and support already sitting by him on the Treasury Bench. When I succeeded to the War Office I found Parliament had merged all the offices of the War Department in the single person of the Secretary of State, and that I could not pass an Order in Council until Parliament had passed a Bill to enable me to do so. But more than this—how was the War Office itself constituted? There were in the Office a vast number of valuable men — indeed, I have often been surprised to find the great ability of those among whom it is my privilege to serve. But how was the Office itself formed? It was formed by what in geology is called a "catastrophe." It consisted of part of the old Colonial Office, part of the old Ordnance Office, part of the Secretary at War's Office, and part of the Treasury; all these were thrown together upon a sudden, without having been properly combined. The late Sir James Graham, when he had conducted his inquiry to its result, said of the Office —"There is only one word that can describe it, and that word is chaos." I will not say that is the case now; but there is much to be done and much to be inquired into before an office like that could be re-constituted; and I say also with regard to the control department, good as it was in itself, it came as a superincumbent stratum upon all the old and dislocated strata. Besides that, any arrangement of the War Office to be adequate and worth a farthing must include the Horse Guards as well as the War Department. What was the course I pursued? Having in view the same object as my right hon. Friend, I had not the power to proceed without the assistance of Parliament. On the other hand, it would not have been right for me to ask for it until we had made full and complete inquiry. Within a week after my appointment I instituted a Committee to inquire, consisting of my noble Friend (Lord Northbrook)—and I cannot mention his name without mentioning also the deep obligation that I am under to him for his invaluable services — of my right hon. Friend the Secretary to the Treasury, and of Mr. Anderson, whose name is known to all the world as the highest authority on matters of this kind. The first night of this Session I gave notice of a Bill, which the House has already passed through all but its final stage, to enable me to deal with the subject. As soon as their recommendations have been considered I shall be in the position to carry them into effect. I trust that we shall be able to carry the recommendations into effect successfully, and that they will result not only in economy but efficiency. I doubt not that a saving will be effected, and I am sure that the efficiency and comfort of those whom the country has invited into its service will be greatly increased also. The first thing necessary in the re-construction of an office is to know what you want to do; the next thing is to consider the means by which it can be carried into effect; and, third, you ought to pay a just regard to the fair claims and expectations of those whom the public has invited into its service. In any re-construction of my Department I shall always make it one of my principal considerations to pay due regard to those claims and interests. The Military Education Commission has presented a valuable Report, and I have acted to a great extent upon it already. I have omitted from the Estimates the Council of Education, and have placed General Napier in the position the Commission marked out for him, and I have transferred to the Civil Service Commission the examination of those who seek to enter the Army for the first time. The latter appears to me to be a most valuable recommendation; because, although professional training should be a matter of professional examination, it appears to me that the wider we open the portals of the Army generally to the educated youth of the country the better will it be for the constitution of the Army. I have desired General Napier to bring forward all the details as they arise, and when he differs from the Commission to express his difference and give the reasons for it in order that we may determine what ought to be done. I have inserted in the Estimates the charge for the garrison instructors whom the Commission recommended. They also recommended regimental instructors; but I think the Committee will be of opinion that it is better to try the experiment first with garrison instructors. If it should be successful we can afterwards try regimental instructors. As regards buildings, we have adopted the recommendations, except only in regard to separate rooms for pupils at Woolwich and Sandhurst. It would be a great expense to give them to all; especially at Sandhurst, where you would almost have to pull the buildings down; but we give the seniors separate rooms and make suitable arrangements for the juniors—that will be sufficient for the present. The result will be that there will be ninety-six separate rooms at Woolwich and sixty-two at Sandhurst.

I come now to Courts Martial. Some time ago I placed the Report of the Courts Martial Commission in the hands of the Government draftsman, with instructions to prepare a Bill upon the subject of military discipline, which I hope to be able to introduce in the course of the Session. The pressure of business has prevented its being ready by this time; but if it had been ready, there would have been no advantage in introducing it at this period of the Session. We have made great changes in regard to prison arrangements, adopting Millbank as a central prison; and the Adjutant General speaks very favourably of a change which has been made in substituting fines for imprisonment in the case of drunkenness. As to the Survey Vote, it will hereafter cease to be my privilege to submit it to Parliament—and I am glad of it, for nothing can be more ridiculous than that the Minister for War should be responsible for the survey of private estates. I am informed by a right hon. Friend near me that it will require a Bill to carry this arrangement into effect, and, therefore, I fear I have spoken prematurely in alluding to it as a thing already accomplished. I entirely object that the Army Estimates should contain a Vote of £120,000 for purposes that have nothing to do with the Army, and that reference should be constantly made to the War Office to know whether this or that county or town should have the privilege of being first surveyed. I consider this as altogether a civil duty. The question of retirement of the Artillery and Engineers occupied me greatly during the Recess. I have consulted my right hon. Friend at the head of the Admiralty and the Chancellor of the Exchequer, and we have concluded that the circumstances of the Artillery and Engineers are entirely different from those of the Marines. My right hon. Friend has introduced for the Marines not the scheme which he proposed in his Committee, but a modification of that scheme; but I found that if it were adopted for the Artillery and the Engineers without inquiry, it would be open to the greatest objection. In the first place, the additional charge for the non-effective services would be great; in the second place, military objections—questions of supersession among others—made it sufficiently formidable; and the result was, my hon. and gallant

Friend beside me (Captain Vivian) undertakes to conduct a further and more detailed inquiry into the subject, the result of which shall be duly communicated.

Sir, I am now drawing very near to a close. The year has been one of great activity throughout the Army. I ought not to omit to say how many distinguished and energetic officers went of their own accord, and at their own cost, in the autumn of last year to witness the operations of the great armies of the Continent, nor must I omit to acknowledge with gratitude the signal kindness with which those officers were received; more especially we ought to feel grateful to the King and the Royal Family of Prussia for the attention which our officers received, which enabled them to acquire the knowledge they sought. Of experiments in spade drill, military labour, and many other matters, I could speak at length. I will only say that when it was likely the telegraphs would be taken by the Government, I proposed to my noble Friend at the head of the Post Office that we should train for the telegraph service at Chatham a number of engineers and officers, and the proposal was accepted. I look with great interest upon every attempt to find civil employment for any branch of the Army. We have provided in the Estimates a small sum for experiments with torpedoes, which seem likely to make a great revolution in warfare. Spade drill has been very much cultivated during the year by soldiers. These are defensive rather than offensive operations: and the defence of our commercial harbours may be wonderfully facilitated by the introduction of torpedoes. So far as I can judge, I think it is clear that from all the curious whirl of scientific controversy one thing emerges clear—that scientific defence is gaining upon scientific attack. I believe that in this country if we educate and arm our population as we propose to educate and arm them, and if we avail ourselves of our natural means of defence, by placing torpedoes in our rivers and harbours, and our rifles behind our hedges and ditches, the time has arrived when we need no longer give way to panic or the fear of invasion.

I have now concluded, and I must thank the Committee most sincerely for the patience with which they have listened to me. I am aware that in the speech in which I have submitted the Estimates to your favourable consideration I have comprehended much that it should not have contained, and have omitted much that I ought not to have omitted; but I appeal to your candour to bear in mind that the interval between the end of one laborious Session and the commencement of another is not long, and that if you pass these Estimates you will have reduced the charge for the Army by more than one million, you will have secured a more effective force either for defence at home or for service abroad than you have usually possessed of late years, you will have completed the establishment of a sound military policy with regard to the Colonies, you will have diminished the number of officers in a way that, in my opinion, will increase instead of impair the efficiency of the Army, you will have done away with one step of the system of purchase,—but, above all, you will have introduced a system of short service into the Army, and you will have welded and consolidated together your whole military system both of Regulars and Reserves, and the result of these salutary changes will be that this country will be prepared whenever the occasion shall arise to stand forward as one man in defence of its rights and of its liberties. The right hon. Gentleman concluded by moving that the number of Land Forces should be fixed at 115,037 men.

SIR JOHN PAKINGTON: I trust the Committee will allow me, in the position in which I stand, to make a few observations upon the interesting statement which we have just heard from the right hon. Gentleman. The right hon. Gentleman has made a statement that I think on all sides of the House must be acknowledged to be a very clear and able one, and also a very comprehensive one. I think, further, that everyone must acknowledge that in this speech the right hon. Gentleman has redeemed every pledge that he gave last year, and that he has devoted the intervening period to endeavour to carry into effect every one of the matters that he then adverted to. Having frankly and freely made him that acknowledgment, I am sure the right hon. Gentleman will believe me when I say that, in any observations which I may think it my duty to make upon his statement, I shall in no degree be influenced by anything like party feeling. I shall approach the statement of the right hon. Gentleman with an anxious desire to meet every subject upon which he has touched in the same spirit as he has brought them forward. I should be uncandid were I not to acknowledge that, whether right or wrong in his policy, the Secretary of State for War is sincere in the belief that the course which he recommends for the adoption of the country is a wise and prudent one. It is, therefore, with very great regret that I feel I am unable to add to what I have already said that I can altogether concur in the policy which the right hon. Gentleman has laid before the House. I cannot forget that his speech was a very difficult one to make, but I must add that it is a far more difficult one to follow and to answer; and therefore I shall not attempt to touch upon everyone of its minor details; but I should be wanting in the duty which devolves upon me on this occasion, were I not freely and frankly to avow my opinions with respect to the more important matters to which it referred. The main foundation of the statement of the right hon. Gentleman was the great reduction he has effected in the Army. Now, I doubt very much whether the Committee and the country are aware of the immense extent of the reduction of the Army which the policy of the present Government involves; but, perhaps, I may be permitted to lay before the Committee a few figures relating to the reduction. It devolved upon me, two years ago, to lay the Army Estimates of 1868-9 before the House, and I then proposed that our military force should consist of a gross total of 137,530 men, and I then said, what I may fairly repeat at the present moment, that, looking at the nature and the extent of our Empire, at the political contingencies that may arise at any moment, and at the fact that the history of recent years has taught us that wars may arise very suddenly, and may be as suddenly concluded, an army of 137,530 men is not an excessive army for the requirements of this country. A twelvemonth ago it devolved upon the right hon. Gentleman, shortly after the retirement of the late Government from Office, to bring in the Army Estimates for 1869-70, and he then proposed to reduce the Army by 12,000 men, and thus to reduce the force to 125,530, and now again, in the present year, he proposes, in the Estimates for 1870-1, to further reduce that number by another 12,000, making a total reduction, in fifteen months, of 24,000 men, or between one-fifth and one-sixth of the whole military defensive force of the country. This, it must be admitted, is a very serious reduction. The right hon. Gentleman has proceeded, in the very interesting statement he has made to-night, to justify this policy of reduction, and he has based its defence mainly upon two considerations, one being the "cloud," as it has justly been termed, which has fallen upon the finances of India, and the other, upon which the right hon. Gentleman dealt with greater force, being the change of policy which the present Government has inaugurated with regard to our colonial Empire. The right hon. Gentleman proposes to leave a certain number of troops in what I may call our colonial garrisons, such as Gibraltar, Malta, and other places; but with regard to our great Colonies, the right hon. Gentleman proposes almost to strip them of their defensive forces. I believe his proposal is to reduce the troops now in our colonial Empire by about two-thirds. I am aware that this policy is one that has been accepted generally during the last few years as the policy of the country, but I think that is a question of degree. Whether or not I am concurring on this point with those with whom I generally act, I must say that, in my humble judgment, it is a very serious and anxious question whether you should strip the Colonies of England of that assistance and force that they have for a long period relied upon receiving from the Army of England. This is one of the greatest and, perhaps, one of the most difficult questions of the present time—a question upon which I should certainly be sorry to prematurely express any decided opinion; but everybody who has watched recent events will acknowledge that this is a critical moment with regard to our connection with our Colonies. A feeling has sprung up in some of our Colonies—whether rightly or wrongly I will not now say—that England is anxious to shake them off and to get rid of that connection which has held this great Empire together, and that these Colonies will be alienated and separated from us, not by the natural progress of events—for I am aware that the time must eventually arrive when our Colonies will become, as I trust, our allies rather than our dependencies—but by the act of this country, and it does appear to me that it is not for the Government of this country to precipitate such a change in the state of affairs by their conduct towards the Colonies; they should not alienate those Colonies by the policy of this country: so long as it is their wish to remain connected with the mother country they should be treated, as they have hitherto been treated, with kind and careful consideration. Well, this question has never been submitted to the consideration of the House of Commons with a view to ascertaining its opinion upon it. I know not how that opinion would be expressed; but, speaking for myself, I have no hesitation in declaring it to be my conviction that in every place where the authority of the Queen is recognized there should be seen the uniform of the Queen. I am sorry it is the policy of the Government, and I may say the policy of the day, to withdraw every British soldier from the Colonies, and, speaking for myself, I cannot accept the argument brought forward by my right hon. Friend in support of his policy. He spoke of the small body of these forces at present in the Colonies, and said they would be useless in case of war, because they might be found too far off in case of war, and in case of attack they might be found inefficient. I dispute these propositions. In these days of steam navigation it is not difficult to bring our forces from distant positions in cases of emergency; and, with regard to any possibility of attack, I appeal to my right hon. Friend's experience—I might almost say to his common sense—whether, in the event of any attack upon any portion of our colonial Empire, the presence of the British forces would not inevitably act as a nucleus round which the forces of the Colony would rally; and whether there would not be in that way a means of defence incomparably more sure than if the forces of a young population were alone relied on? Then there is another question. My right hon. Friend said that the Government of India had pressed upon the Government at home the necessity of reducing their expenditure, and it made, at the same time, a request which I think Her Majesty's Ministers have very wisely refused. The Indian Government made an appeal to my right hon. Friend to withdraw seven regiments of the Line and four regiments of Cavalry. That, I say, was a proposal which Her Majesty's Government very properly refused to accede to. But what is this cloud which hangs over India? It is a financial difficulty, and may be but a passing difficulty. The reason, then, which influenced this request for so large a reduction of our forces in India will then no longer exist, and the important question will again arise—namely, looking at the events in India, and the nature and authority of our power there—what is the proportion of British troops which should be permanently maintained in India? Is my right hon. Friend prepared to say that, irrespective of this financial difficulty that is passing away, the forces in India have been greater than they ought to be? Sir, I do not believe that our forces in India have been greater than they ought to be. I will now call the attention of the Committee and the country to another difficulty, which seems to me to be involved in the course of policy which my right hon. Friend announced this evening. The effect of this policy would be this—Having stripped our Colonies of the British uniforms and lowered to a large extent our military forces in India—[Mr. CARDWELL: We shall scarcely reduce the number of men at all.]—I beg your pardon, and am obliged for the correction, but even in this view of the case the Indian difficulty may still be but a passing one; and what will be the result of the policy as a whole? We shall, by reducing our forces abroad, accumulate in England a very large military body, and is there no prospect of difficulty in that? Is there not a manifest danger that in the event of any change of circumstances at home there may arise a cry among cursory observers about the number of soldiers in barracks; and may not the Government be asked—"What is the use of so many of these unemployed soldiers?" Is it not the duty of the Government to consider that contingency? If there is to be a concentration here of a large number of our Army beyond what we can employ, it seems to me that there is an imminent risk of impressing upon the minds of the people the feeling that this was an idle and useless expense. What are all these men to do? There may, no doubt, be a succession of messages of peace to Ireland, and you may require those troops to witness the acknowledgments of the sister isle. You last year sent one message of peace to Ireland. You now see what the result has been. There may be some further messages of peace sent by you to Ireland, which may possibly produce similar results as those we have already witnessed. If that be the case, there is no knowing what amount of military force you may require to meet the consequences. But, putting this contingency aside, I think there is some risk in maintaining a body of troops at home instead of distributing them abroad to support the dignity and the power of our Empire in all parts of the world. But having made these observations, I am bound to say, as I said last year, that granting the expediency of the reductions—for they are made entirely on the responsibility of the Government, and as long as Parliament has confidence in the Government, it is not for the House of Commons to interfere—I say, granting the expediency of the reductions, I am bound to say that they are made in the best possible way. If we are, then, to cut down 24,000 men of the British Army, I think that the Government have adopted the best mode of effecting the operation—namely, whilst keeping up the battalions, they reduce only the number of rank and file. So far, I must say, I agree with the policy of my right hon. Friend. I shall now proceed to offer a few observations upon some of the statements which he has made. I think that the most pressing and important feature of the announcement made by my right hon. Friend to-night is the state of our Reserves. I am sorry to say I do not consider his statement at all satisfactory on this point. I said last year that the responsibility upon the Government that ventures to knock 24,000 men off the Army is immense. Having, however, resolved upon this step, they are, at all events, bound to take care to compensate for this great reduction by giving something like an efficient Reserve. This question of Reserve has touched the weak point of our military arrangements for many years. Various attempts have been made to establish an efficient Reserve. None have been successful. Scheme after scheme has been brought forward, but they have all more or less failed. My right hon. Friend has told us this evening of the First Army of Reserve. When my right hon. Friend mentioned the First Army of Reserve the words did not seem to strike him in the comical light they struck me. Now, the First Army of Reserve is a grand designation, but it only amounts to 3,000. [Mr. CARDWELL: 1,939.] I am obliged for the correction. Surely a body of 1,900 men should no longer be called the First Army of Reserve? I would venture to suggest to my right hon. Friend that he should change the title; at present it is too magniloquent. [Mr. CARDWELL: You gave it that name yourself.] Yes; but it was a much larger force, and we intended to increase it much further. My right hon. Friend, however, also referred to another Army of Reserve of 10,000 men, resembling the Reserve of General Peel; but, still feeling that the 1,900 men and the 10,000 were, after all, a small number, my right hon. Friend was careful to assure us that he hoped they would grow to 20,000 in the course of the year. This surely is not what a Reserve ought to be, for of course my right hon. Friend was only speaking of that Reserve which we might send abroad in case of necessity. Now, as my right hon. Friend dwelt with so much anxiety on the Reserve, let us consider what are the broad simple facts before the House. The right hon. Gentleman proposes to knock 24,000 men off the strength of the Army, and to replace them he tells the House that there is a Reserve of 11,900 men. I really think that we must put aside all idea of attaching any importance to such a Reserve as that, which, in fact, amounted to nothing. It is, in my judgment, a serious part of the policy of the present Government that they have ventured on so large a reduction of the strength of the Army when they really had no Reserve to fall back upon, because it was nonsense to talk of 11,900 men as a Reserve. My right hon. Friend proceeded, however, to talk, not of anything which we have, but of something which he hopes we shall have. And what is it that he hopes we shall have? Whether those hopes be well or ill founded I cannot presume to say, because he himself spoke with great reserve and caution with regard to his new plan of enlistment; but on the question of a Reserve force I may express a hope that his scheme will turn out more successful than the many plans which have been of late years devised, and nearly all of which proved abortive. It would, of course, be presumption for me, a civilian, to express what I could venture to term an opinion on this subject; but I may, perhaps, be permitted to say, speaking with the utmost candour and freedom from party spirit, that I think the right hon. Gentleman is trying an experiment which is well worth trying. I do not at all quarrel with it, especially as the right hon. Gentleman says it has been recommended by military men of high character, and I cannot for a moment express an opinion in opposition to theirs; but, on the other hand, I am bound to state that during the time I had the honour of holding the office of Secretary of State for War this subject was frequently brought under my consideration, and that at that time the weight of military opinion was in favour of trying the experiment of short enlistments. I am not sure that I entirely understood the scheme suggested by my right hon. Friend. I was agreeably surprised to hear him state that he retains the twelve years' enlistment under certain conditions, and that the six years' enlistment is to be optional, if I understood him rightly, on the part of the soldiers.

MR. CARDWELL: The engagement is to be for twelve years, of which, in the case of battalions going to India, six are to be served in the Army and six in the Reserve. All I said about the matter being optional was that if a soldier wished to serve longer in the Army, and the Government were willing for him to do so, both the parties to the contract might agree to renew the engagement.

SIR JOHN PAKINGTON: I do not altogether comprehend my right hon. Friend's meaning. If I follow him rightly, the option of remaining in the Army beyond the six years is only to be in the case of soldiers in India, and that soldiers in that country will, at the expiration of six years, pass, without any option, into the Reserve.

MR. CARDWELL: Yes; I may remark that when two persons make a bargain, that bargain speaks for itself. It is open, however, for both parties to revise the terms of the bargain at a future time. The bargain is for twelve years—six in the Army and six in the Reserve.

SIR JOHN PAKINGTON: The only deviation from that arrangement will be in the case of soldiers in India.

MR. CARDWELL: Whenever it is intended to vary the original arrangement, both parties must come to an agreement.

SIR JOHN PAKINGTON: But will not this arrangement inevitably result in additional expense being incurred in bringing the soldiers from India to this country? I am afraid that considerable difficulty will arise in this respect, because you will constantly have men claiming their right to return to England before it may be convenient to send them back. My right hon. Friend then touched upon a subject in which he did me the justice of saying I entertained a strong feeling. That was one regarding the extreme inconvenience and hardships experienced by officers, in consequence of the different conditions between the systems regulating regiments at home and abroad. I am glad to hear my right hon. Friend say that he was determined to put an end to this evil. He then passed on to the subject of officers—and in respect to this part of his statement I must say that, upon the whole, I think he has exercised a wise discretion. My right hon. Friend stated truly, when he says that the suggestion he has adopted had been made by me. My right hon. Friend reduces the number of the subaltern officers from twenty in a regiment to fourteen. The number of officers in the British Army for home service has hitherto been greater than was actually needed, and the only reason I ever heard urged for keeping up the number was that, considering the various climates in which our Army has to serve, it was necessary to have a superfluity of officers, in order to deal with those contingencies which might arise from the effects of a bad climate. On the whole, I can take no exception to this portion of the plan of the right hon. Gentleman; but I confess I learn with regret the decision of the Government to at once abandon the change made last year—and of which I took the whole responsibility of substituting—in cavalry regiments—the squadron for the troop. When the proposed return to the old system was announced by my right hon. Friend there were cheers on both sides of the House, a circumstance which would seem to show that the House was favourable to the proposal. Now, as a civilian, of course I cannot, and as a civilian I never did, presume to say which is the best arrangement; but I am bound in my own defence to say that when I recommended that the squadron should be adopted as the unit, I had not adopted that policy on light grounds. I do not know whether the House is aware that ours is the only Army in Europe in which the troop forms the unit. In every other country of Europe, unless I am mistaken, the squadron is the unit. The change I proposed was suggested by his Royal Highness the Commander-in-Chief, on the recommendation of some of our most distinguished Cavalry officers. When that recommendation was acceded to it was on the ground that it should be referred to a committee of Cavalry officers, which committee was accordingly appointed, and, after investigating the whole subject, recommended the change. I trust, therefore, that my right hon. Friend will not think me unduly pertinacious if I express regret that the change is not to be adhered to. I confess I am not satisfied with the grounds on which it has been abandoned. The right hon. Gentleman mentioned Lord Strathnairn, and stated that the objection to that organization of the Cavalry was founded upon some inconvenience which had arisen in Ireland as regards the disposition of Cavalry regiments. If that is the only reason for returning to the old system, it is one which I cannot for a moment accept. Under the new organization there were two captains for each squadron; and, looking even at the present state of Ireland, I cannot conceive why there should be more difficulty in sending half a squadron, with a captain to command it, than in sending a troop. There are one or two other points on which I am anxious to say a few words. I remember urging in this House last year, or the year before, the utter impolicy and feebleness of the arrangement under which Sir John Garvock commands a district containing no fewer than 86,000 men, enrolled in the different branches of our Reserve force, such as the Militia and Volunteers, while he has hardly any authority over those men. I do not quite understand to what extent it is proposed to give an authority, the want of which is so much complained of by the gallant officer I have mentioned; but independently of that, I think the change is one for which we are much indebted to my right hon. Friend, and which is demanded by the military requirements of the country. My right hon. Friend last year intimated that it was his intention to appoint a council of inventions; but as he has not alluded to it to-night, I should be glad to know if he has carried it out, or what are his intentions with regard to it. There is another point to which I also wish to refer. The Recruiting Commission, of which the right hon. Gentleman spoke in terms of such just commendation, suggested that by making judicious changes in the present constitution of the Chelsea School and the Hibernian Schools they might be made very valuable as feeders for the Army, on the same principle on which training ships supply recruits for our Navy. [Mr. CARDWELL: It is now under the consideration of the Commission on Military Education.] I am glad to hear the subject has not been lost sight of. There is another subject which was very much pressed on our attention when we were in Office, and which I have no doubt has been equally pressed upon the attention of the present Government—I allude to the great injury which is done to our Militia regiments owing to their being constantly in billets in towns. That is a very serious disadvantage in point of morality and efficiency, and I should be happy to learn that among the various plans under my right hon. Friend's consideration, that of providing barracks for our Militia regiments is one; for there are few matters, I venture to think, more worthy of his attention. I am sure the discipline, the morality, and the efficiency of the force would be largely increased by such a provision. I must add that I did not quite follow the views of the right hon. Gentleman with respect to our Militia force, with this exception—that I understood him clearly to state that the Government intended that no Militia regiment should hereafter exceed 1,000 men. It may be a good regulation, looking to the power of command and discipline; but I am afraid the result will be to considerably diminish the numerical strength of the force. My right hon. Friend shakes his head, and I hope I am wrong in my inferences;

but as Lancashire has seven regiments of Militia, 1,200 strong each, and Worcestershire has one regiment of 1,400, which is the largest in England, it appears to me that to knock off 200 from each regiment in Lancashire, and 400 from Worcestershire, you must considerably reduce the numerical strength of the force, unless the other regiments, whose quota are below 1,000, are few in number. Now I do not wish to see the force reduced. [Mr. CARDWELL: Hear, hear!] It is a very valuable force, and I should have been glad to hear that measures had been taken likely to supply the want of subalterns in our Militia regiments. I am obliged to the Committee for allowing me to make these somewhat disjointed observations. I have endeavoured to follow and meet my right hon. Friend's speech in the same spirit in which he has made it; but I am sorry the Government has, in its anxiety to obtain credit from the country for their retrenchment, reduced the force to an extent hardly consistent with wise policy; but, at the same time, I must acknowledge the excellence of the tone and spirit which pervaded the whole of my right hon. Friend's speech.

MAJOR WALKER said, that as the Secretary of State for War had expressed a hope that he would be satisfied with his statement relative to the adoption of breech-loading rifles in the Militia, he must say that he was not altogether satisfied with it. Five years after the adoption of the Snider-Enfield breech-loading rifle, and with 300,000 stand of that arm in store, not more than 41,000 had been supplied to the Militia; and, to borrow a phrase from the right hon. Gentleman, it was one of those things which no man could understand. He very much regretted it, because it very materially crippled the efficiency of the Militia, and in a greater degree the Militia Reserve. As to those Reserves, he agreed with the Secretary of State in the opinion that, during the current year, the force might be increased from 10,000 to 20,000. The service was becoming increasingly popular, and the more its conditions were known the more popular it would be. He, however, felt only a limited amount of satisfaction with regard to the announcement that had been made on the Militia force generally; because from the statement that was made last year there was reason to hope the Government would have been prepared this year with a series of energetic measures; but it appeared they were still in the region of promise rather than in the region of performance in that respect. The pecuniary reduction of the Militia force amounted to £50,000, which was effected by reducing those regiments which were over 1,000 strong; but that was to be regretted, because, owing to the unfortunate state of Ireland, 30,000 men were struck off the Militia of the kingdom, and 20,000 more had to be struck off for the Militia Reserve. So that instead of a Militia force of 130,000 men, there would not be more than 70,000 or 80,000. That being so, it imposed a moral obligation on the Government to take care that what was wanting in quantity should be made up in quality, and a small part of the saving arising from the non-training of the Irish Militia this year would have gone far to get rid of some of the many acknowledged defects of the force. The two greatest defects were the billeting system and the want of officers. They should never forget that soldiers were not made by drill alone. At other times than when under drill a regular soldier was becoming saturated with ideas of order and obedience. But in the Militia this was entirely wanting. Five or six hours drill a day was the most it was possible to exact from a Militia recruit, and after that he was turned adrift for the day, and left entirely his own master. He had no barrack duties to perform; no healthy recreations, and no means of study or instruction were provided for him. His lodgings were generally at the beer-house or the gin palace, and he was left entirely to his own resources, with no alternative but slothful inanition or animal indulgence. A colonel of the best Line regiment, if he were ordered to place his men in billets for a month would remonstrate against it, and refuse to be held responsible for the discipline of his men; and yet this was the way in which year after year Militia recruits were treated. Besides the military question, a serious moral question was involved in the billeting system; and he doubted if the Government were justified in drawing young men from their homes at the most critical period of their lives, and leaving them to temptation without efficient control. He trusted the moral sense of the country would revolt against the system, and strengthen the Secretary for War in a determination to provide Militia barracks —a thing which he believed the right hon. Gentleman was anxious to do. It was also necessary to increase the number of officers for the Militia. The best drilled men, without efficient officers, were a mere dead body without a soul, and to a great extent that was the condition of the Militia. The measure of last year tended in some degree to allay the discontent that existed amongst the officers; but the addition only of thirty-seven subalterns could not cure that great and crying evil. It was said that money was necessary; but he took exception to the statement. Much might be done to insure quicker promotion—for stagnation in that matter was very discouraging—by establishing a well-regulated system of retirement with honorary rank, similar to that which the First Lord of the Admiralty propounded for the Navy on Monday last. But that would only be a measure of mitigation, and the inconvenience arising from the stagnation of promotion might perhaps be still further relieved by a grant of brevet rank to officers of long service in the Militia. These suggestions might, to some extent, meet the difficulty, though it was for the Government, rather than for a private Member, to find remedies for admitted evils. He regretted to hear of the reduction in the Yeomanry, although it was only of a partial nature; because he thought the disproportion between this and the other branches of the Reserve force was already great enough. He thought the Secretary for War had done right to make the Yeomanry a force of irregular cavalry; but he was sorry it had been resolved to reduce small corps mustering less than four troops, because he believed that for the purposes of irregular cavalry, a troop or a squadron was as useful as a basis of organization as a larger force. The Government would do well to aim at having in every county and in every district a certain number of well-mounted, intelligent, able horsemen, well acquainted with the resources and topography of the country, and able to act as guides, escorts, and orderlies on occasions. For these reasons, he deeply regretted the diminution about to take place.

Mr. O'REILLY said, he objected to comments which had been made on the diminution of the strength of the Army, because they were founded on the numbers as they appeared in the Estimates, which were likely, unless carefully considered, to lead to a fallacious conclusion. The principle which had been acted upon was to strengthen the Army at home, that being the Army which was actually in hand and useful for either offensive or defensive purposes. The regret expressed by the right hon. Gentleman (Sir John Pakington) at the withdrawal of the troops from the Colonies was felt by many others; but he could not share the right hon. Gentleman's feeling that it was desirable for the Queen's uniform to be seen in every Colony, or his opinion that the troops stationed in distant Colonies added to our own strength. On the contrary, he (Mr. O'Reilly) maintained that troops scattered over the world added nothing to the effective strength of the Army. If war broke out it would be either in Europe or in one of our large dependencies, and the only effective troops were either those at home or those which could be sent to the scene of action from a central position. Notwithstanding its reduction by 24,000 men, he maintained that the real strength of the Army was now greater than it had been for many years. For some years past the Army at home had seldom numbered more than 40,000 men; it was now 86,000, and although it might be urged that five years ago it numbered 87,000, it must be remembered that that number was largely composed of depôts and disorganized bodies. He did not concur in the right hon. Gentleman's remark that it was well to scatter the Army over the Colonies in order to prevent a stupid cry being raised at home about the large amount of our Army. He considered the people of England were intelligent enough to know for how many soldiers they paid—whether those soldiers were scattered abroad or concentrated at home—and he relied upon the patriotism of the country to maintain an adequate force, when the case was put fairly and plainly before them. Did scattered troops afford us any additional strength? Could it be said that 2,000 men prostrate with fever in the swamps of China, three battalions wasting away with fever in the Mauritius, 10 battalions engaged in a purposeless and desultory war against the savages in New Zealand, or others scattered around the Cape of Good Hope, could by means of all the steam navies in the world be brought home so as to add to our strength? It would be better to have 20,000 men concentrated at home than 30,000 scattered over those countries. He ventured to suggest that the Indian Army might be still further reduced; for, according to the authority of Lord Strathnairn, about 50,000 men, if well distributed over the country, would be sufficient for the protection of India. He agreed with the right hon. Gentleman in thinking that what was pompously styled "the First Army of Reserve" was ludicrously small; but that was not a recent creation, although he believed it did originate with a Liberal Administration some years ago. With regard to the Militia Reserve, General Peel proposed to raise 30,000 men—10,000 men being raised in each of three successive years—which was the best mode of raising that force, as the terms of service would expire consecutively. He strongly urged upon the Secretary for War to shorten the term of service in India. He had heard with the greatest pleasure that the Reserve forces were to be concentrated, he might say unified, and brought under one authority. But he would suggest that the right hon. Gentleman might with advantage unite and consolidate the functions of many of the officers of the different branches of the Reserve. We had the Pensioners, the Army of Reserve, the Militia, the Recruiting Staff, and the duties of these different branches ought to be so consolidated as to allow one set of men to perform them. He would venture to suggest whether, in the glut of officers with whom the right hon. Gentleman would have to deal, it would not be possible to clear the Army and do a service at the same time to the officers themselves by enabling them to accept a lump sum instead of their half-pay and chance of absorption again in the service. A great many men would rather get a new start in life by obtaining a round sum and trying a new profession than remain on half-pay with the chance of future service. With regard to the step which it was proposed to take to facilitate in some respects the abolition of purchase, he feared the expectations of the right hon. Gentleman might be disappointed, and for this reason—that, as long as the system of purchase under the Queen's regulations—that is, payment for a step—existed, and at the same time a system of unlimited payment between officers was permitted, for which, more or less, the country was held to be responsible, every benefit conferred upon officers, and every advantage given them, became simply an element in increasing the purchase value of that which they had to sell. For instance, if the right hon. Gentleman increased the pay of officers, as was sometimes proposed, it would simply raise the price of the commissions, and so he feared, if he increased the chances of promotion of subalterns to the rank of captain, he would increase the value of commissions, and also the difficulty of getting rid of the purchase system. It had come to be recognized that in any arrangements the country might make it must take into account the extra-regulation price that was paid, and no doubt the right hon. Gentleman had discovered by this time that this practice pervaded the Army far beyond what was intended, and whenever a change was proposed it was always found that some one who had paid stood in the way of the proposed alteration. In fact, they could not take a step in the regulation of the Army without interfering with some privilege or some advantage that somebody had paid for.

COLONEL NORTH said, that the right hon. Gentleman promised much last year; but after listening to the right hon. Gentleman's statement this year, the whole thing was in the air. A reduction in the Regular Army to the amount of 12,300 men was ordered for this year, and that would make a total, within fifteen months, of no less than 24,000 men. Now, he could not help thinking that the ultimate object of these reductions was to do away as much as possible with the old soldiers of our Army for the purpose of saving their pensions. During the whole time that he had the honour of a seat in that House he had endeavoured year after year to impress on Members the real value of the old soldier; and he was quite confident that he never described in terms more true, more complimentary, or more to the purpose the worth of the old soldier than did his right hon. Friend last year. The right hon. Gentleman expressed himself in these words—

> "Anxious as I am for shorter service, believing, as I do, that shorter service is really at the root of

all Army reform, nevertheless I am as conscious as anybody can be of the immense importance of retaining in your Army that most valuable member of it, the old soldier."—[3 *Hansard*, cxcvi. 1545-6.]

Then his right hon. Friend gave the opinion of one more competent probably to judge than any man that ever breathed —he meant the Duke of Wellington. The Duke of Wellington's opinion was—

> "The old soldier was the heart and soul, and courage and strength, of the regiment."

The right hon. Gentleman went on to say—

> "To the old soldier we may apply the words that were used with regard to Banquo—
> "'Tis much he dares;
> "And to that dauntless temper of his mind,
> "He hath a wisdom that doth guide his valour."

Now, that last line summed up the true value of the old soldier. He was at a loss to understand, from what had been said that night, whether it was intended that a man at the end of twelve years, if the commanding officer thought he had a good, attentive, and loyal soldier, might renew his service. Was that the case? [Captain VIVIAN: Yes.] If men could not renew their service, a difficulty would occur in getting non-commissioned officers. The next point he wished to allude to was the strength of the regiments. It was now proposed that every regiment should consist of 500 men at home and 500 in the Colonies. But when they considered that from the strength of a regiment there must be deductions daily made of sick, men on guard, men going on guard, orderlies, cooks, and so on, a regiment 500 strong would appear to be too small. That might not be the case if we had the means of filling up the regiments rapidly and restoring them to an efficient state. It was said last year that it was the opinion of Marshal Canrobert that 500 men was a very good number for a regiment; but then, in France, it should be remembered that the three battalions were always together, and that they had the means of readily augmenting the number to 1,000 men. What was to be the strength of a regiment in war time? [Captain VIVIAN: There never has been a war establishment fixed in the Army.] His right hon. Friend had said that each regiment was to consist of 500 men, but that it was to be capable of being raised to the war establishment at a moment's notice, and if that establishment consisted of 1,000 men, that could not be done with less than 35,000 men. He recollected his right hon. Friend, on a former occasion, referring to a statement of Sir John Burgoyne. Now, the opinion of that distinguished officer was "that we should have in times of peace a small Army, but one capable of expansion, and a Reserve force at once large and ready to be added to the Army in time of war." That, too, was the opinion of all whose authority on the subject was of any value. But how far had advance been made in the course of the year? He desired to say a few words upon the reductions which it was now proposed to make and upon those which had already been made. He had seen it stated in the papers, within the last few days, that a couple of Cavalry regiments—the 7th and the 19th Hussars—had been recalled by telegraph from India. Now, it was very easy to telegraph to a regiment to come home; but he was anxious to know whether any consideration had been shown for the convenience or the interest of the officers? Anyone who had ever served in the Army must be well acquainted with the inconvenience caused to the officers by the sudden movement of regiments, even when those movements occurred at home; but in this case the regiments had to leave with, he believed, only four days' notice. The consequence was that they had to sell their horses on the beach; and as, he believed, it was the practice in India for officers to find their own bungalows, their sale must be attended with considerable loss. Then a lieutenant exchanging under his right hon. Friend's proposed scheme would, he supposed, be placed at the bottom of the list, and receive ensign's pay—a prospect which would be very agreeable to some gentlemen who had served as lieutenants for several years. But in many directions there appeared to be great hardship in his right hon. Friend's proposals. There was a new class of officer, according to the Army Estimates, of whom he had never yet heard, and whom he could only liken to an occasional waiter. There was to be a general brigade-major and an aide-de-camp who were to go to Aldershot for six months. But the hardship which his right hon. Friend's proposal would inflict might be instanced by a reference to the case of an officer of the highest distinction, an officer second probably to none in any army in the world —he referred to Sir Alfred Horsford, who had served in the Crimea and in the Indian Mutiny. That distinguished officer was appointed for five years. He received notice to leave last October, and that notice was extended to the 31st of December; but a still greater hardship arose from the fact that no general officer was appointed to succeed him. The consequence was that Sir Alfred Horsford—who had been, of course, at great expense in furnishing his hut—would have to dispose of all at a considerable loss, whereas had a successor been appointed his furniture would have been taken off his hands. How could his right hon. Friend expect that any officer, appointed to only a temporary command, would deem it worth his while to furnish? He had had altogether an experience of the Army for close upon half a century, and he had never yet witnessed so wide-spread a feeling of distrust as that which now prevailed in every rank of the Army, from the oldest to the youngest; in fact, no man knew one day what his position might be on the following day, and the complaints of the officers were undoubtedly founded in reason. He might mention another painful case which had come under his own notice. Two years ago the general in command in China—which was perhaps the most deadly climate of any of our military stations—applied to be relieved in consequence of ill health, and another general was sent out. Within a few months his wife died, and within nine months of the death of his wife the general himself was buried. He left behind two daughters, who thus found themselves in a country 10,000 miles away from home without a relative or friend to take care of them. The officer who succeeded to the temporary command of the troops, most properly and humanely thinking that these two young ladies ought not to go home without any protection, secured passages for them, and directed, as the most fitting protection for them, that they should be accompanied by the officer who was aide-de-camp to their father at the time of his death. The officer, he believed, wrote to say that this did not come under the strict regulation; but that, under the painful circumstances of the case, he trusted that every allowance would be made for the order. The result was that on arriving home the aide-de-camp was told that he had no right to come, and £124 10*s.* was stopped to pay for his passage. Now if that money was to be deducted at all it certainly should not have been stopped out of the pay of this young officer, but should have been deducted from the officer by whom he was directed to accompany these ladies, for it was, of course, impossible for him to have disobeyed the order which he received. Personally, however, he thought that the colonel was quite right, and that it should not have been expected that these ladies were to journey such a distance without a protector. In the ordinary course of things it would have been the duty of the aide-de-camp on the death of the general to have returned to his regiment, which was quartered in India; but in consequence of being ordered home he not only was mulcted in this large sum, but lost the extra pay and allowances which he would have received if he had been with his regiment. The only ground, too, upon which he could have been refused his pay was that he had returned upon private affairs; but officers returning for that reason from China were allowed two years' leave of absence, and yet this officer was sent back within six months. The hardships which attended many of the changes could scarcely have been brought to the knowledge of his right hon. Friend, than whom, he believed, no one was more anxious or more willing to do all that was kind and considerate. Still, it was certainly the impression throughout the Army that very little consideration had been paid to their interests, and he had thought it only right to refer to the feeling which he knew existed throughout every branch of the service.

SIR HENRY HOARE said, he desired to offer a few observations with reference to our Yeomanry. He spoke, not in the interest of the country gentlemen, or of the maintenance of their influence, but in the interest of the taxpayer. They had been told last year that the Yeomanry were no longer to be employed as Cavalry fit for field service; but that they were to be turned into mounted Riflemen. He should like to know whether this rumour was correct, for in that case the Yeomanry would simply be Infantry soldiers on horseback. In that case he should like to know whether they were to receive the training and discipline of Infantry; whether they were to be put under the inspection of an infantry officer; whether their present cumbersome Cavalry habiliments were to be retained, and whether they were to be drilled like other riflemen? He should like further to know, whether Yeomanry officers were to be debarred from serving also as Volunteer officers; for many gentlemen held this double appointment. He had seen a paper in the hands of a Yeomanry officer defining the periods which the men were in future to serve, one of the objects being to get rid of the feeble old men who were now to be found in the ranks. ["Oh, oh!"] He did not regard the interruptions of hon. Gentlemen; he had heard similar noises proceeding from the ranks of the Yeomanry when commanded to execute manœuvres which they did not comprehend. He hoped the right hon. Gentleman would apply the pruning-knife vigorously in this direction.

Colonel BARTTELOT said, he had listened to the speech of the right hon. Gentleman the Secretary of State for War with marked attention. He had done so because he hoped to have heard from him what had been promised last year—namely, that whatever alteration might be made the efficiency of the Army would in no way be impaired, and that a scheme for an Army Reserve would be submitted that would be satisfactory to the country. Now he (Colonel Barttelot) ventured to assert that the scheme which they had just heard propounded was very far from being so. All that the right hon. Gentleman proposed was to have a First Army of Reserve, consisting of 1,900 men, and a Militia Reserve of 10,000 men. That might, at first sight, look plausible enough; but any one who knew anything practical about the matter must know that if this country were dragged suddenly into war such a Reserve would not by any means prove sufficient. Nay, it would be just equivalent to nothing at all, so far as maintaining an army in the field was concerned. A Minister of War who really fulfilled his functions should be ready at any time to stand up in the House and tell them that by a mere stroke of his pen he could augment the strength of every regiment he had, and send them abroad in a thoroughly efficient and disciplined state. Until that was the case they could have no real Army of Reserve. He quite admitted that Parliament was bound to economize, but this should be done in the right direction. The right hon. Gentleman had given them to understand that there was to be a great pruning in all the departments; but this promise was not redeemed by the Estimates. For instance, in the Secretary for War's own department—which was the great wen and blot upon the military service—he found there was an increase rather than a diminution of expenditure. His right hon. Friend shook his head; but the figures showed no reduction. True, less stores were to be bought for the manufacturing departments; but quite as much was to be expended in wages and salaries. That was not what the country expected. It was very easy to sanction the cutting off of 10,000 or 20,000 men; but he should like, at the same time, to see some pruning and lopping in other directions. What should chiefly be studied was to maintain an Army which should be found efficient in time of sudden war or disturbance. This, however, could not be done by the scheme proposed, for it practically gave them no Army of Reserve. His belief was that it would be much better to increase the Militia. By taking that course, 50,000 men could be added to the Regular Army by a mere stroke of the pen. Great stress was laid upon the saving to be effected by troops coming home from the Colonies; but these should only be withdrawn from the Colonies that were not directly governed by the mother country. He should like much to know, moreover, whether it was true that an order had been issued declaring that men who had served nine years, although enlisted for ten, were at once to have their discharge unless they enlisted for another ten years. If that were so, and the men who refused to do the latter stipulation were turned adrift, great harm would be done to the Army. Furthermore, he should like to know whether the Government were going to discharge men who had served eighteen years, instead of allowing them to complete the twenty-one, in order to save the increase of pension. To break faith with men like these, and send them adrift all over the country, at this inclement season of the year, would do more harm to the recruiting of the Army than any other course which could be adopted. The depôt battalions, it seemed, were to be broken up; and fifty-four officers and 8,000 men were to be got rid of. The officers of these depôt battalions should have the chance given them of being absorbed as vacancies occurred, and should not at once arbitrarily be placed upon half-pay; they had been induced to join these depôts upon certain conditions; many of them had left their former regiments upon the faith of these conditions, and it would be grossly unfair now to get rid of them altogether. That these men had a claim upon the Government would at once be conceded from a perusal of the General Order issued from the Horse Guards on December 15, 1866. That Order said—

> "The Field Marshal Commanding-in-Chief having, with the concurrence of the Secretary of State for War, represented to the Queen that it would be highly desirable, and for the good of the service, to extend the system of five years' tenure of staff appointments to field officers of depôt battalions, taking care, however, that the application of this special staff rule should press as lightly as possible on the officers now serving in depôt battalions, Her Majesty has been pleased to approve the following regulations, taking effect from the 1st of October, 1866, viz.:—1. The present lieutenant colonels of the depôt battalions shall remain in undisturbed possession of their appointments until removed by casualties of service, *i.e.*, promotion to the rank of general officer, appointment to the staff or any other beneficial position, voluntary retirement on full or half-pay, death, &c. 2. The majors shall, in like manner, retain their appointments until removed by promotion to lieutenant colonelcies on full or half-pay, or to the staff or other beneficial positions, or by death, &c. If, however, the promotion be to a depôt battalion the command of the battalion shall be vacated at the end of five years. 3. Field officers appointed at any period hereafter to depôt battalions, whether from half-pay or from some full-pay position, shall be removed as a matter of course at the end of five years, except in cases of re-appointment, at the discretion of the Field Marshal Commanding-in-Chief. 4. As a general rule every lieutenant colonel removed from the depôt battalions to the half-pay list shall be replaced in the usual manner by an officer from half-pay, to serve or sell; but the eligibility of the senior major, if he has been appointed under the new rule, to succeed to a vacancy so caused, shall be left as a matter for consideration, dependent upon that officer's standing and service in the Army, and the probability of the lieutenant colonel removed to the half-pay list obtaining the rank of major general within a period of two years. 5. The present adjutants of depôt battalions shall, in the same manner as the field officers, be allowed to retain their appointments until removed by promotion to majorities on full or half-pay, or (upon application) to half-pay majorities after six years' service as adjutants, or to the staff or other beneficial position, or by death, &c.; but the adjutants appointed at any future period shall, after six years' service as such, be removed by promotion to half-pay majorities, when, if deemed eligible, they may, on opportunities occurring, be appointed to majorities in the depôt battalions, and be allowed to hold such appointments for the qualifying period of five years, it being understood, however, that the adjutants are not to be considered as having any claim to re-appointment to the staff of the depôt battalions."

Was it common justice to men who had fulfilled to the best of their ability the special purpose for which their offices had been created now to send them adrift in such a fashion? Then as to cavalry. The Prussians, since their late war, attached more importance to Cavalry than they had ever done before. They regarded it as the eye and screen of the Army, and they had added largely to its numbers. Yet we were reducing our handful of men to a point which would render it impossible, on an emergency, to increase the number adequately. It took eighteen months, at the lowest estimate, to make a Cavalry soldier. How long would it take to make a Cavalry officer competent to take charge of a patrolling force? No one knew better than his hon. and gallant Friend the Member for Truro (Captain Vivian) how long it took to make a Cavalry officer, and if he spoke out honestly he would say a Cavalry officer could not be made in eighteen months. It was, therefore, the greatest mistake in the world to reduce the Cavalry regiments. It would, he thought, be better to take off a certain number of regiments, and have full and strong regiments, than adopt the system which prevailed in the Crimean War. What had the right hon. Gentleman done? He had reduced the number of officers of the whole Army. One word as to the squadron system. He was delighted the squadron system was done away with; but he was very sorry the troops of Cavalry were to be reduced from eight to seven. The troop formation was infinitely better for our Cavalry. But to reduce one troop was reducing a regiment one squadron in the field, as we now had four squadrons, whereas with seven troops we could have but three. His firm conviction was that unless the right hon. Gentleman had some better scheme for a Reserve, that which had been proposed would not succeed. He was in favour of the short term of enlistment being tried; but, according to the scheme propounded to-night, this was only to be applied to the enlistment of the Infantry, and he did not think having one enlistment for one branch and another for another branch of the Army would be successful. He would only say, in conclusion, that if, after what had been said by many speakers on both sides of the House, anything should occur in a hurry, on the Government which reduced the Army must rest the responsibility.

CAPTAIN VIVIAN said, although it was impossible to expect unity of opinion when changes so large as those his right hon. Friend had proposed in regard to the Army were conveyed to the House, yet his right hon. Friend had no reason to complain of the spirit in which the Committee had met the views he had so clearly and ably expounded. Certainly, with regard to the observations of his right hon. Friend opposite (Sir John Pakington) he raised the objections he took to the alterations proposed with a frankness and in a spirit which he should attempt to follow in the few remarks he ventured to offer to the House. Two points had been more particularly pressed on their attention by almost all the speakers who took part in this discussion. The right hon. Gentleman late Secretary of State for War throughout his speech impressed on the Committee that the reduction in the Estimates had resulted from reducing the war strength of the Army. During the last two years, he said, the fighting strength of the British Army had been reduced by 24,000 men. Now, it was true that in last year's Estimates there was a reduction of 12,000 men from the strength of the Army; but he might quote the right hon. Gentleman himself in favour of that reduction; for, he said, he saw great danger in having too many troops in this country. There might be a cry raised against them. Last year a large body of troops were brought home from Canada, and it was quite right and proper that some of them should be reduced. And, with regard to reductions this year, he thought they had a right to complain of the manner in which the right hon. Gentleman referred to that point, more especially after the clear explanations of his right hon. Friend as to how the 12,000 men were accounted for. Why should Parliament be called upon any longer to pay for the Canadian Rifles, when they were of no more use? Why pay for the Cape Mounted Rifles, when the Cape Government said they were of no avail, and that the Cape police did the duty better? Why pay for the West India Regiment when no longer wanted? The reduction of those three regiments would not at all reduce the fighting strength of the British Army. Then as to depôt battalions, did the right hon. Gentleman mean to say that depôt battalions, as now constituted, contributed in the least to the fighting strength of the British Army? But then he said he could not approve the policy of withdrawing British troops from the Colonies. That was a question of national policy with which it was not his province, in the position he held, to interfere; but the right hon. Gentleman was in error when he supposed that the withdrawal of troops from India would reduce the force in that country. It was true a certain number were brought home; but the effective force in India would remain exactly as before. The right hon. Gentleman, and the hon. and gallant Member for West Sussex (Colonel Barttelot), who took great interest in these questions, had ridiculed the idea of there being any Army of Reserve. Upon that point he would only say that they had inherited the First Army of Reserve from the Government of which his right hon. Friend opposite was a Member. The First Army of Reserve was proposed to the House by General Peel, and it had been maintained as proposed by him from that time to this. But it was said they had no right to take credit for the 10,000 men from the Militia Reserve. But there had been no difficulty in obtaining 10,000 men from the Militia Reserve last year; he believed if they had wanted more they might easily have obtained them. It was thought desirable merely to take 10,000; and if they obtained that number so easily last year there was no reason why the same number should not be obtained this year, which would give a Reserve Force of 20,000. The hon. and gallant Member for Oxfordshire (Colonel North) asked what was the war strength of these battalions. He replied that there never was a fixed war strength of regiments in this country. That always depended on the duties regiments had to perform. The strength of regiments varied much. In some cases it was 600, in others 800; but, fixing the war strength of a battalion at 800, with a Reserve of 20,000 men, they would be able to fill the *cadres* to a war strength at a moment's notice. With regard to short enlistments, the hon. and gallant Member for Oxfordshire laid much stress on the importance of having old soldiers; but the Duke of Wellington, in the very speech in which he spoke so highly of old soldiers, added that young soldiers must be combined with them; and it was a battalion composed of young and old soldiers who could do anything. That was the very object his right hon. Friend had in view. He by no means wished to terminate the military career of a soldier after ten years' service. If his heart was in his profession; if he had borne a good character; if he was the right sort of man, there was no reason why such an old soldier should not form the nucleus which they all hoped to exist in a regiment. The hon. and gallant Member anticipated that there would be some difficulty in enlisting for short service here and a longer service abroad; he saw no difficulty whatever. Then, as to what was called the linking of regiments, the double battalion system was of great advantage to officers, as it facilitated interchange between those at home and those who were abroad; but there were but a limited number of double battalion regiments, and the only means of extending that advantage was by linking a regiment abroad with a regiment at home. There had been strong criticisms with regard to the reduction of officers; but he was one of those who held—and he was glad to find that the opinion was shared by the right hon. Gentleman the Member for Droitwich (Sir John Pakington)—that our Army had always been over-officered. In proof of this he would state the proportion of officers to men in this country, and what it was in other European Armies. According to the proposed reduction, the proportion of officers to men in this country when the Army was at peace strength was 1 to 21·3, and when at war strength 1 to 31·5. In Prussia the proportion of officers to men when the Army was at peace strength was 1 to 28·3, and when at war strength 1 to 49. In Austria the proportion of officers to men upon peace strength was 1 to 18·8, and when at war strength 1 to 51·1. Therefore, he thought the hon. Gentleman would see that even with the proposed reductions our Army was more over-officered than the armies of any of the Powers he had referred to. With regard to the squadron formation he had conversed with some officers, who were notorious for the admirable condition in which they kept their regiments, and, though there was some difference of opinion, the majority were decidedly in favour of the troop system as against the squadron system. Everyone knew that a Cavalry regiment going to Ireland was instantly dispersed over the country almost entirely in troops, and then there was great difficulty experienced in the squadron system, because the squadron officer remained at head-quarters, and no one seemed to know what arrangements were to be made for paying the troops who were at a distance. He therefore thought that a sound discretion had been exercised by his right hon. Friend upon that point. With regard to the Ordnance Council, that was composed of the Director of Ordnance and a number of other gentlemen, presided over by Lord Northbrook, and all questions of importance relating to the construction of large guns, or to anything involving considerations of the expense of ordnance, was referred to that Council, together with questions of patents and rewards and similar matters. He hoped and believed that that Council had already smoothed many of the difficulties which had existed on such questions. Turning now to the subject of Militia, he fully concurred in all that had been said with reference to the mischiefs of the billet system. Nothing could be worse than that system, and it would be a very good thing to get rid of it, if possible; but it was a difficulty that could not well be met, at all events without the sanction of the House. If the billet system was to be abolished, it would be necessary to obtain a large Vote of money from Parliament. The houses where the Militia were billeted were only used for that purpose for a few days in each year, and he doubted whether the House, in order to get rid of that system, would be prepared to sanction a large expenditure of public money for the purpose of building barracks in all the various counties of the country. One thing his right hon. Friend had done, and that was to express his desire that under all circumstances where it was possible to put the Militia regiments into barracks which were already existing, they should be so put in, and wherever the general officer of the district could provide barrack accommodation for the Militia when they were called out, that accommodation would be provided for them. Everything would be done to reduce the number of regiments which were to have recourse to the billeting system as much as possible. The right hon. Gentleman opposite had asked when the quotas of those regiments would be reduced; they would remain as they were until after the Census of next year, and the reduction would then take place. He admitted that the addition of thirty-seven subalterns to the Militia was not a very great one; but, at the same time, it looked as though the Militia service was becoming more popular, and he hoped that before long a still greater improvement would take place in that direction, and still further inducements be held out to join the service. A question had been asked as to the reduction of the length of service of the regiments in India. In reply, he could only say that there was no proposal to reduce the length of service below twelve years. The men would be changed at the expiration of six years, but the regiment, as a regiment, would remain for twelve years, its ordinary period of service. He would not enter on the great question of purchase in the Army. He had often made known his views on the subject, and to those views he still adhered, and he was glad that his right hon. Friend was in a position to do away with the ranks of ensign and cornet. The reduction of ensign would be a great boon to that class of officers to whom the Notice of the hon. and gallant Member for King's County (Sir Patrick O'Brien) related—namely, subaltern officers promoted from the ranks; but the hon. and gallant Member wished to do something more, and to extend brevet promotion to the junior ranks of the Army. Now, to brevet rank generally he (Captain Vivian) felt great objection, for even in the upper ranks of the Army it did not work satisfactorily, and he should be sorry to see it extended to the subaltern ranks. He did not know on what principle it was sought to be so extended—whether it was on account of length of service, or for merit, or for distinction on the field. If for length of service, it would not much benefit the officers in whom the hon. Gentleman felt an interest; if for merit, Lord Palmerston's question might be asked—"What is merit? Do you mean zeal?" and if it was for distinction on the field, it would be a great injustice to many officers who would distinguish themselves if they had the opportunities which fell to other men. Anything like preferential promotion in the subaltern ranks would operate unfairly towards a large body of officers. In the upper ranks it was easy enough; length of service and distinction fairly earned would indicate those who deserved exceptional advancement; but in the junior ranks it would be an objectionable principle to introduce. The hon. and gallant Member for Oxfordshire had complained that travelling expenses had not been granted to an aide-de-camp who had come with the daughters of his deceased general from abroad; but on making inquiries he (Captain Vivian) had found that the allowance was paid when the real state of the case became known to the authorities. There was one department in the Estimates — the control department—which the right hon. Member for Droitwich might feel proud of having created. An hon. Gentleman (Colonel Barttelot) had said that there were no reductions in the salaries of the Department; but that was not so. There had been a reduction of £40,000 in that Department this year, and there could be no doubt that the reduction would be very largely increased in future. It could easily be understood that in transferring duties and consolidating departments a large number of *employés* had to be provided for, that provision had now almost entirely been made, and in future years he had no doubt large savings would be effected. He must award praise—in which the right hon. Gentleman opposite would join—to those whose arduous duty it had been to carry out this important change—Sir Henry Storks, General Balfour, and Sir William Power—they had performed a delicate and difficult duty with tact and perseverance. One of the advantages which had been derived from the control department was seen in the stores department. Formerly there were three branches—the store branch, the barrack branch, and the hospital branch; each of these operated independently, in ignorance of what was done by the others, and when the hospital stores were handed over the other day, a Return was made which embraced some curious details. It showed that there were six and a half years' consumption of blue serge waistcoats; five years' consumption of white flannel shirts; five and a half years' consumption of neckcloths; nineteen and a half years' consumption of blue serge gowns; twenty-two and a half years' consumption of flannel drawers; thirty-one years' consumption of blue woollen nightcaps; and fourteen and a half years' consumption of cotton drawers. One of the advantages of the store department was that we knew the quantities of stores of all descriptions that were in our possession, how they were kept, how they were visited, who they were visited by, and who was responsible for them; and he had no doubt that further advantages would follow as the department got more into working order. He had now had the honour to serve in the War Department for more than a year under his right hon. Friend, who, on the first day of his going there, laid down the efficiency of the Army as his first principle, and efficiency combined with economy as a general principle, adding that economy without efficiency was not economy, but extravagance. On these principles the Estimates had been framed, and on those principles he trusted the country would accept them.

MAJOR DICKSON believed that the use of Cavalry would be as important in the future as it had been in the past, and therefore he was convinced that the reduction proposed in the strength of the Cavalry would be detrimental to the service. The right hon. Gentleman the Secretary of State for War proposed to reduce the Cavalry to exactly the same strength it was the year before the Crimean War. At the commencement of that war we had nineteen Cavalry regiments of three squadrons each, averaging 271 horses and 328 men each, and the result was that after the first severe Cavalry engagement—fortunately the only one during that war—England was left practically without a Cavalry, except two regiments brought from India at considerable risk, as subsequent events proved; for if the Indian Mutiny had broken out then, we might have had to make a humiliating peace with Russia, we might have run the risk of a quarrel with France, and, in all probability, we should have had to reconquer our Indian Empire. After the battle of Balaklava we had to raise Cavalry regiments at great cost, we had to bribe men with bounties and free kits, and hurry them through the riding school; but they were dragoons only in name, and they were utterly unable to cope with the trained soldiers of Russia. Yet, with all this experience, it was proposed to reduce our Cavalry to the same number of squadrons, and almost to the same number of horses and men, that we had in 1854. The reduction to be made now was just equivalent to the strength of the two regiments we were obliged to withdraw from India for service in the Crimea. He desired to remind the right hon. Gentleman that the peculiar nature of the Cavalry force required that it should be treated in a particular manner. A good Cavalry soldier could not be made in less than three years; and it was therefore of the utmost importance to maintain the efficiency of the force. For a short period after the Indian Mutiny the necessity of preserving the Cavalry sufficiently strong was generally recognized; but, since that period, successive Governments had diminished regiments by degrees, and now the right hon. Gentleman proposed, in effect, to reduce them by a whole troop — practically, a squadron, so that they would consist only of a miserable force of three squadrons. He appealed to the right hon. Gentleman to take the matter into his serious consideration, for the opinions he had expressed were shared in by some of the ablest men in the service. He protested against the reduction, because it would destroy the service; and he protested, in the name of the taxpayers of the country, because if we should be found unprepared for war, the provision which could be maintained for a few thousands would cost millions to re-organize. With regard to the criticisms of the hon. Baronet the Member for Chelsea (Sir Henry Hoare), it was clear that he must have derived his ideas from the period when he was associated with the Yeomanry of Somersetshire. The hon. Baronet had certainly displayed astonishing ignorance of all that appertained to

Cavalry matters. The Yeomanry Cavalry was now weak in numbers, and he hoped the Secretary for War would pause before doing anything that would impair its efficiency.

Mr. ANDERSON said, that he regarded, with especial gratification, the promise of future reduction that was contained in the Estimates; but, in reference to the immediate effect of the proposed changes, it was to be regretted that they appeared to be confined to the lower ranks of the profession. All ranks above that of a captain had been held sacred; and the Committee had thus been deprived of the pleasure of hearing any scheme for preventing the multiplication of general officers and the suppression of sinecure colonelcies. The Motion that was proposed to be taken for the abolition of one step in the purchase system would, he hoped, be soon followed by other and more extensive movements in the same direction. Nothing could be more satisfactory than the account of the great improvements recently effected in our method of recruiting; but, surely, if there was so much readiness on the part of young men to enter the Army, the bounties now offered might be abolished; whereas the present Estimates contained an item of £40,000 for bounty money, and the whole cost for recruiting was £72,000. He thought those items might be reduced. Bounty did very little good to the man who received it. In reference to the Militia, he thought it was very desirable that it should be called out more usually at those seasons of the year when it could be put under canvas. He was glad to hear that the question of more capitation grant to the Volunteers had not yet been decided in the negative. The recent proposals had been very distasteful to the Volunteer force, and he reminded the Government that without that force it would be impossible to carry out reductions; and if they did not concede something now, they might do an injury that could not easily be retrieved.

Mr. NEVILLE-GRENVILLE said, he understood that, after the next summer examination at Woolwich Academy, the future examinations there would be conducted under new rules, to be framed in accordance with the recommendations of the Royal Commissioners. He wished to know when those new rules would be issued; and whether there was likely to be any check to the admissions to that academy? With respect to the Yeomanry Cavalry, he would ask whether the field officers and the cornets who were to be reduced were to be "snuffed out" at once, or whether vacancies as they arose would not be filled up until the number were reduced to the prescribed limit? As Maidstone was to be "disestablished and disendowed," he would suggest that in order that young Yeomanry officers might learn their business and become efficient, they should be sent for training to Aldershot. The hon. Baronet the Member for Chelsea (Sir Henry Hoare) was dissatisfied, as a taxpayer, with the efficiency of that force; and it was to be feared that if the hon. Member were as good and great a soldier as he was everything else, the poor Yeomanry would have very little chance. But the hon. Baronet, as a country Gentleman, had himself in early life been in a Yeomanry regiment, and he probably judged of the present improved state and discipline of the force by the laxity which prevailed in the days when he held the lucrative appointment of a cornet. He could assure the hon. Baronet that the force was now in a much superior condition, and had received the honest compliments of many very competent military authorities. He could only further say that so long as they could be useful to their country the Yeomanry were ready to continue their services. On the other hand, the moment the country desired to dispense with them they would be ready to make their bow and retire; but they did not wish to be squeezed out or cried down without just cause.

Sir PATRICK O'BRIEN reminded the hon. and gallant Member for Dover (Major Dickson) that additions had been made to the Cavalry force since the Crimean War, to which he had not referred; not to speak of Indian regiments now included in our Army, the 5th Lancers and the 18th Hussars had been re-constituted since that time. As regarded the remarks of the hon. and gallant Gentleman on the Treasury Bench (Captain Vivian), he would say, that when he had, in order to enable the right hon. Gentleman the Secretary of State for War (Mr. Cardwell) to introduce his statement, postponed his Motion, he did not expect that it would be alluded to in that debate. He consequently declined on that occasion to go fully into it; but he might be allowed to say that when he referred to the question of extending brevet promotion to subalterns, he did so with the intention of having it extended to that class of officers on the same principle that it was extended to the higher class of officers—namely, by seniority. There were many men raised from the ranks who could never hope to be in a position to purchase their troops or companies, and others also who too long endured the pain atttendant upon hope deferred. In one regiment, as an example, he might mention that one subaltern had served twenty-two years and was unfortunately yet a subaltern.

MAJOR GENERAL SIR PERCY HERBERT congratulated the Secretary for War on his very clear statement. As to Militia barracks, of course it was not desirable to go to a very large expense in erecting all over the country buildings which would be occupied only one month in the year; but as one month in barracks would be worth to the Militia three months on billet, might not buildings be hired for the purpose? He thought that to make the ratepayers supply barracks for the Militia would be very unfair indeed, as the force was one raised for the national defence. He hoped the right hon. Gentleman would pause before he proposed to turn the Yeomanry into mounted Rifles. The right hon. Gentleman must remember that the men who composed that force, being for the most part farmers or the sons of farmers, could not spare a great deal of time for practice. They had, however, attained a fair amount of proficiency as a Cavalry force, and if the country should be attacked by an invading army their services would be found very valuable, as our regular force was a very small one. He would ask the right hon. Gentleman to explain whether, under his plan of short enlistment, men who were enlisted for twelve years could be kept serving with their regiments for more than six years without a Royal proclamation. He himself was in favour of short enlistments; but he thought that if men were allowed to take their discharges from actual service with the standard in eight, nine, or ten years, such times would be sufficiently short. Discharges at the end of six years would lead to embarrassment in keeping up reliefs. It appeared to him that the Indian Government and the Secretary of State for India dealt with the English Army just as they pleased, and almost without consulting the Secretary for War. The depôts for regiments in India ought to be maintained out of the revenues of that Empire, and at least one year's cost of reliefs ought to be borne by the Indian Exchequer. He was glad to hear that warlike stores were not to be separated as a department from the other stores, because it was desirable to have one person at the head of a department including all the stores. He also thought the concentration of stores ought to be carried out as far as possible. He believed that a rule prohibiting the controller with an army in the field to take orders, except he received them from the general speaking *vivâ voce,* or in the general's handwriting, would be a very unwise one. Superior officers acting under the general in command did not think it derogatory to them to take his orders through members of his Staff. The latter gallant officers gave no orders of their own. They were only the mouthpieces of their chief, and a general in command had not time on all occasions to commit his orders to writing. The controller ought, therefore, to take orders from the general when conveyed through Staff officers. The general in command could not be relieved from the responsibility of his position. He must be absolutely responsible for everything that occurred under his orders. If you attempted to relieve him of any of that responsibility you would simply be giving another person the power of interfering with him. He could not understand the concentration of force which brought troops home in order to reduce them. Last year the Government reduced the number of men, but they laid great stress on keeping the *cadre* complete, and having a most efficient Reserve. They had heard that evening what the promised Reserve came to, and now they learnt that the right hon. Gentleman proposed to meddle with the *cadre*, and by so doing to interfere seriously with the ability of the regiments to meet sudden emergencies. They all remembered the serious moral effect produced in this country by the news that the Light Cavalry Brigade had been cut to pieces at Balaklava. The fact was five regiments of light Cavalry were engaged in that charge, but they only comprised 600 men, and of those 279 officers and men were killed and wounded. In many skirmishes the loss of life had been equally great without any injurious moral effects, but this action showed the result of having small establishments. They sent a Cavalry brigade into action, which was about as strong as a foreign regiment, and thus it was said that the Light Cavalry Brigade had been cut to pieces. The hon. and gallant Officer (Captain Vivian) said the Government would raise the regiments to a war strength of 800 men. That was smaller than in the days of the Crimean War when the regiments had a strength of 950 men, but they by no means kept up that strength during the war. All he could say was that he hoped that the Reserve which had been paraded before them that night would very soon be paraded in such a manner that it would be a visible force. One crumb of comfort might unquestionably be extracted from the Estimates which had been brought forward that night by those who were interested in the efficiency of the public service, and that was that they disposed of the mare's nest about military control over the War Department of which they had heard so much. Even the hon. Gentleman the Member for Brighton (Mr. White) would feel that those Estimates had been prepared by a clerk in the War Office, and that no military man—certainly not his Royal Highness the Commander-in-Chief—could have been consulted with respect to them. The right hon. Gentleman could not even have consulted the experience of his hon. and gallant Colleague. It was now abundantly clear that the War Department was entirely independent of all military control, and especially of any control on the part of the Horse Guards.

Mr. STOPFORD said, there could be no objection to the Yeomanry being turned into mounted carbineers, or to their being trained to the use of breech-loading rifles. If, however, they were only to be called out, like the Rifle Volunteers, for a drill here and a drill there, he was strongly of opinion that such a system would not work so well as the present one of a few days' continuous training. If, too, the drills for recruits were not to be less than thirty-two in the year, he feared the right hon. Gentleman would find it hard to get that number of drills out of the farmers. He should be glad to know whether the right hon. Gentleman had received any answers from Yeomanry corps as to their willingness to serve as mounted Volunteers. Whose fault was it that there were any separate troops? Next to Leicestershire, there was no county which had a greater number of mounted farmers than that which he represented, and yet one troop constituted their whole force of Volunteer Cavalry. They had a regiment of Yeomanry once, but an economical Government abolished it, with the exception of one troop; and now, because it was a separate troop, it was to be still further discouraged. After what had been said as to the impropriety of a Militiaman appearing again as a Volunteer, perhaps he ought to hesitate before owning that he was also interested in the welfare of the Militia; but he felt bound to say that the Militia had no reason to complain of the way in which they had been treated by the right hon. Gentleman. They owed him a debt of gratitude for the increase of allowances he gave them last year; and this year he (Mr. Stopford) was glad to hear that the right hon. Gentleman was about to give 25,000 Sniders for their use. Much had been said of the necessity of placing the whole force in barracks; but he felt that the expense of building barracks for every Militia regiment would be too great. He would suggest, however, that a few Militia barracks might be built in central parts of the country, and then, instead of calling all the regiments out in May, as was usually done, they might be called out at different times, and occupy these barracks in succession. The right hon. Gentleman proposed to give the quartermasters a retiring allowance; but he thought it hard that those officers should be compelled to retire upon pensions varying from £80 to £50 per annum.

Mr. WHITWELL said, he believed that the proposal of the right hon. Gentleman to convert the Yeomanry into mounted Rifles would be received by those corps with great satisfaction and pleasure. They would like the competition with the rifle as well as the Volunteers. He wished he could express the same gratification with the Estimates as many hon. Gentlemen had done. He regretted that the reduction in the number of the troops had not been accompanied by reductions in other directions, the cost of administration remaining the same, or about 10 per cent on the amount expended. He trusted that in the course of another year these reductions might be realized. He was well aware that the right hon. Gentleman had found the various branches of the departments in a most chaotic state. He was glad that the right hon. Gentleman had something still in store for the Volunteers; but he must remind him that the capitation grant—to an increase in which the right hon. Gentleman seemed to point—was the least of the wants of that force. They wanted more efficiency, and he hoped the right hon. Gentleman would take steps to have them brigaded with the regiments of the line. He was disappointed with the right hon. Gentleman's account of the Reserve. The hope he held out of an efficient Reserve force was very shadowy indeed. He trusted that by next year the right hon. Gentleman would be able to show them the prospect of having an efficient Reserve much sooner than in six years.

Colonel GILPIN observed, that he had never heard during the past twenty years a more able statement of the Estimates from any Secretary for War; but, at the same time, he had never known a Secretary of State for War introduce the Estimates without stating that the efficiency of the Army had been maintained. He doubted whether the right hon. Gentleman's reductions were consistent with economy. Of course, no British taxpayer would wish for bloated armaments or extravagant Estimates; but the House must recollect the Crimean War, which they engaged in with a largely diminished peace establishment, and the consequence was the diminution of their military prestige, and the heavy costs by which alone they were able to return to a state of efficiency. He was glad to find that the right hon. Gentleman had made the troop the unit of the cavalry regiment. Last year he adopted the squadron; and he (Colonel Gilpin) warned him at that time of his error. He must reiterate what his hon. and gallant Friend the Member for Oxfordshire (Colonel North) had said with respect to the brigadiers at Aldershot. These officers held their appointments by Queen's Warrant for five years, and it was unjust that they should be suddenly called upon at the end of two and a half years to give up the command. He had a grievance under which some of the men laboured to lay before the right hon. Gentleman. Those enlisted under the Act of 1847 did not lose any service time if they were imprisoned by order of the commanding officer, or during trial by court martial; but the condition of those enlisted under the Act of 1867 was totally reversed. The consequence was that the young soldier was punished more severely than the old, and, in justice, this inequality should be remedied. He wished to know where the fines inflicted for drunkenness went to, because he could not see that the public were credited with them in the Estimates. He held that the Militia were very much obliged to the right hon. Gentleman for what he had done for them. The officers thoroughly appreciated the granting of honorary rank; and he wished to ask the right hon. Gentleman whether he could not, under certain circumstances, allow the honorary rank to go with the regiment? The billet system had been spoken of; but what could they do unless the billet system were adopted? With respect to the Militia Reserve, the right hon. Gentleman stated that he believed that the number of 20,000 would be made up this year. He (Colonel Gilpin) believed so, too, and the reason why the number was not made up was because the matter had not been understood. In conclusion, he asked how it was that Volunteer officers were allowed to claim exemption from the tax on two horses, and mounted officers of the Infantry were allowed exemption for only one horse. The case of the Militia officers was more hard; the Chancellor of the Exchequer would not allow them to claim exemption; he took their money to swell his Budget and never repaid it, because it was a farce to say the money would be repaid at the close of the year, when in a few weeks another tax would be due for the forthcoming year. The Chancellor of the Exchequer, however, was bound to get money by some means, and perhaps the end justified the means. Nevertheless, they looked to the Secretary of State to see that justice was done to them.

Sir CHARLES WINGFIELD pointed out that although regiments were to remain twelve years in India, the term of service was limited to six; and that as soldiers generally spent the first two or three years of their time in England before going to India, they would claim their discharge after two or three years' service only in India. Unless this were corrected great expense would be entailed; and he believed the remedy was to be found in encouraging volunteering from one regiment to another.

LORD EUSTACE CECIL wished to know out of what funds captains who desired to sell out were to be paid the over-regulation money paid by them between their ensigncies and lieutenancies; and also whether any portion of the recommendations of Royal Commissions with reference to military education in regard to the instruction of officers of the Line was to be applied to the Militia and Volunteers?

MAJOR WATERHOUSE said, it was only right that a good trial should be given to a scheme which promised to provide for us an admirable Army of Reserve.

MR. CARDWELL, in reply, said, that the principal points to which the observations in debate had been addressed were those of the reductions. He would only express his belief that the withdrawing the troops from the Colonies would strengthen the Colonies and the Empire. And he was also convinced that by reducing the numbers in the *cadres* of the regiments without reducing the number of the *cadres* themselves, they would maintain the elasticity of the force and prepare for war, while, at the same time, they diminished the burden in time of peace. With regard to the Reserve, he was surprised anyone should blame the Government; because, although it did not at present exceed 10,000 men, they had provided for its increase. As regarded the Militia Reserve, it would be most unwise to draft the whole of that in one year, because, in that case, all the men would claim their discharge at the same time. The Army Reserve was necessarily small now, because the new mode of enlistment was not yet introduced, and before men can pass into the Reserve, they must have served their three years. The name, which the right hon. Baronet (Sir John Pakington) had described as "pompous," was not given to the body by the present Government, but by that of which the right hon. Gentleman was a Member. They found the first Army Reserve so named. When he came into Office, the first Army Reserve consisted of 1,000 men; they had raised it to nearly 2,000, and hoped to raise it to 3,000. The Militia Reserve they found had almost no existence—they had raised it to one-half what it was intended to be; more than that it would not have been prudent to do last year. It was thought prudent to take one-half the first year, and no doubt they would get the other half this year. The seed time must come before the harvest—they could not get all the men trained at once for the Reserve; and the question was, whether the plan of short enlistment and passing the men through the Reserve was a good plan? They intended to allow the system of re-engagement in India. The real motive of substituting two years and a half in the command of brigades at Aldershot for five years was this—it was felt that Aldershot was a school where men could learn to command, and they wanted to train a larger number than the five years' system would admit of. With regard to the drink-money, he had already mentioned that the system was highly spoken of by the Adjutant General. It was not the intention of the Commission that the money should be paid into the Consolidated Fund, but that it should be considered as a fund for the benefit of the Army generally, contributed by those who were not the most worthy portion of it. That money had not been paid into the Exchequer, nor had any decision been yet come to as to the practical mode of appropriating it. With regard to the interesting subject of the billeting of the Militia, he should be glad if it would suit the convenience of the Militia generally to follow the example of their brethren in Ayrshire, and to come out in the warm period of the year when they could lodge in tents; but in most cases it would be inconvenient for militiamen to come out for drill at such a period of the year. He trusted, however, that when the General Officer commanding the district had a greater voice in this matter than he had at present, that would at once lead, to a certain extent, to diminish the inconvenience complained of. He had mentioned on a previous occasion that when he was at Plymouth recently the Devonshire Militia came in to be billeted in Devonport and Plymouth; but when the fortifications were completed, it might be considered whether they might not be made available for the accommodation of the Militia when they were not occupied by regular troops. These consolidations, indeed, offered opportunities for arrangements of various kinds. He had been asked several times what the meaning of the engagement was; but he could only repeat what he had already said, as he did not know how to make it more clear. The contract would operate over twelve years; but it would be specified, to begin with, how much of that term was to be served in the Army and how much in the Reserve. That engagement would be mutually made; but, of course, it would be quite open to both parties to it to change the engagement afterwards if they wished to do so; and it would be possible for a portion of the men to engage for a second time, and to come in for a pension as under the old system. We might thus have a number of those old soldiers who were so much admired by the hon. and gallant Member for Oxfordshire (Colonel North), and who were the backbone of our Army. As regards the Yeomanry being called out, the object of the new arrangement was to insure that the public should not incur the expense of permanent drill, except where the regiments showed that they were earnest in the business, and were worth the money. His noble Friend opposite (Lord Eustace Cecil) had put a question concerning the over-regulation prices. Now, he was the individual of all others whose particular duty it was to know nothing at all about over-regulation prices. It was a subject, therefore, on which he could give no opinion. As to the officer of depôt battalions, he was afraid the hon. and gallant Member for West Sussex (Colonel Barttelot) was mistaken in one or two of the free criticisms of the statement made to the House. The hon. and gallant Gentleman seemed to have entirely mistaken the sense of the order of the Adjutant General. In that order it was contemplated as a matter of course that the depôt battalions would be continued, and it was merely to the effect that an officer should have his appointment for five years and no longer, and it never was intended that he should be left under the impression that the depôt battalion was to be maintained for his convenience if the public service no longer required it. In such an event the officers of the staff of the depôt battalion must be put on half-pay till the Commander-in-Chief was able otherwise to provide for them. With respect to giving professional instruction to the Militia, it must be practically introduced into the Army before it could be carried further. He had now, he believed, answered all the questions which had been put to him; and he begged, in conclusion, to acknowledge with gratitude the kind spirit in which his proposals had been criticized.

Vote *agreed to.*

(2.) 1,760 Native Indian Troops.

(3.) £4,771,900, Pay and Allowances of Land Forces at Home and Abroad, exclusive of India.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

STAMP DUTY ON LEASES BILL.

LEAVE. FIRST READING.

THE CHANCELLOR OF THE EXCHEQUER, in moving for leave to bring in a Bill to relieve the holders of certain Leases from Stamp Duty chargeable thereon by Law, and to reduce the Stamp Duty on certain other Leases of the same description, said, that in pursuance of the pledge he gave a few days ago in reference to the statement which had been made respecting the law concerning stamps on building leases, he had instituted inquiries into the subject, and had, in consequence, been satisfied he might not do complete justice by doing that which he had previously thought would be sufficient—namely, limiting the indemnity to the period when the Board decided on making the adjudication. He had considered the case carefully, and was now convinced that the indemnity must extend to the period when the decision was pronounced by the Court of Exchequer, and the object of the present measure was to extend it. Then it was necessary to provide for future cases. The House was aware that he was under an engagement to bring in a Bill on the Stamp Laws, and it was necessary to bridge over the period between the introduction of that Bill and the present time. He had, therefore, anticipated matters, and as that Bill would contain a clause reducing the stamp duty on building leases from 35*s*. to 10*s*., he had thought it convenient to make that reduction by the present Bill, instead of leaving the duty at 35*s*. in the interval. The measure which he now asked for leave to introduce contained two clauses, the first extending the indemnity to the time the decision was pronounced by the Court of Exchequer, and the second fixing the duty on building leases at 10*s*. instead of 35*s*.

Mr. BOURKE expressed his satisfaction at the announcement of the Chancellor of the Exchequer. He was glad that the right hon. Gentleman acted on the suggestions he had thrown out; but he reserved to himself the right of making any observations he might deem proper when the Bill was introduced.

Mr. DODDS also expressed his gratification at the measure to be introduced by the right hon. Gentleman.

Motion *agreed to*.

Bill to relieve the holders of certain Leases from a Stamp Duty chargeable thereon by Law, and to reduce the Stamp Duty on certain other Leases of the same description, *ordered* to be brought in by Mr. Chancellor of the Exchequer and Mr. Stansfeld.

Bill *presented*, and read the first time. [Bill 59.]

House adjourned at half after Twelve o'clock.

* * *

HOUSE OF LORDS,

Friday, 4*th March*, 1870.

MINUTES.]—Public Bills—*First Reading*—East India (Laws and Regulations) * (29).
Report—Dissolved Districts and Unions * (27).

The House met;—and having gone through the Business on the Paper, without debate—

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 4*th March*, 1870.

MINUTES.]—Supply—*considered in Committee*—Navy Estimates.
Resolutions [March 3] *reported*—Army Estimates.
Public Bills—*Ordered*—Mutiny *.
Ordered—First Reading—Dublin Collector General of Rates Franchise * [61]; Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment [62]; Income Tax Assessment and Inland Revenue Law Amendment * [63]; County Coroners (Ireland) * [64].
First Reading—Judges Jurisdiction * [60].

WRECKS OFF THE WELSH COAST.

QUESTION.

Mr. HOLLAND said, he wished to ask the Secretary to the Board of Trade, Whether his attention has been called to the frequent wrecks which have recently taken place along the coast of Cardiganshire, Merionethshire, and Carnarvonshire; and whether the Government or the Trinity House contemplate placing another Lightship along that coast, or altering the position of the Lightship now stationed in Cardigan Bay, so as to make the same of use to vessels bound for the Irish Channel and for ports along the above coast?

Mr. SHAW-LEFEVRE replied, that the information received by the Board of Trade was not such as to show that any additional lightship was wanted on the coast of Cardiganshire and Merionethshire. He would remind the hon. Gentleman that a lightship had been placed on the coast of Carnarvonshire at the end of November last.

HABITUAL CRIMINALS ACT.

QUESTION.

Mr. MILLER said, he wished to ask the Lord Advocate, Whether it is the intention of Government to bring in a Bill this Session to amend the "Habitual Criminals Act," so as to make it more applicable to and more workable in Scotland?

The LORD ADVOCATE would beg to inform his hon. Friend that such an amendment of the Act would be necessary, and that he would endeavour to frame a Bill to effect the object desired by his hon. Friend.

INDIA—RAILWAYS.—QUESTION.

Mr. RODEN said, he wished to ask the Under Secretary of State for India, Whether the Government purpose proceeding without any more delay with the completion of the system of Indian Railways; and if he will state the total number of miles the Government propose to construct, and the number of miles per annum?

Mr. GRANT DUFF: Sir, I can assure my hon. Friend that the Government of India is proceeding with the greatest zeal and activity in the extension of the Indian railways under the instructions contained in the despatch of the Secretary of State in Council, dated the 15th of July last. Ample details as to the system of railways which is to be created by State agency will be found in the Papers laid before Parliament last year; and I am happy to say that, so far from any delay having occurred, one great railway—that which is to connect Lahore with the north-western gate of the Empire—is under construction, while along three other projected lines—that from Agra and Delhi across Rajpootana, that which runs along the Indus Valley, and that which connects Koolburga with Hyderabad—preliminary operations are being pushed forward with a promptitude which is highly creditable to all concerned, and very agreeable to Her Majesty's Government.

EDUCATION BILL.—QUESTION.

Mr. CAMPBELL said, he wished to ask the Vice President of the Privy Council, Whether it is intended that under the Elementary Education Bill all classes of the community shall be free to participate in the School system proposed to be based upon payment of rates, School fees, and Government grants?

Mr. W. E. FORSTER said, in reply, that he presumed the hon. Gentleman's Question had reference to the 4th section of the Revised Code. He could only repeat an answer he had given on more than one occasion—that, in the event of the Bill becoming law, it would be the duty of the Government to take every part of the Revised Code into their consideration.

HIGHWAY BOARDS.—QUESTION.

Mr. G. B. GREGORY said, he wished to ask the Under Secretary of State for the Home Department, Whether the Returns called for by him from the different Highway Boards are completed; and, whether he will lay them upon the Table of the House?

Mr. KNATCHBULL-HUGESSEN said, in reply, that the Papers to which the hon. Member referred could scarcely be called Returns. A number of questions had been sent out to the Highway Boards, and in many cases answers to them had been received. All these could not be printed; but a useful Return might be prepared from the materials contained in the questions and answers, and he would confer privately with the hon. Gentleman, and endeavour to arrange the form of such Return.

ISLAND OF ST. JUAN.—QUESTION.

Viscount MILTON said, he wished to ask the Under Secretary of State for Foreign Affairs, The expense to which this Country has been put on account of the joint occupancy of the Island of St. Juan from 1859 to 1869?

Mr. OTWAY said, in reply, that the last account of the expenses of our occupancy of the island of St. Juan were only made up to December, 1868, and therefore ranged from August, 1859, to the former period. The expense had been about £22,150 0*s.* 5*d.* That amount did not include the ordinary pay that our men would receive under any circumstances; and other charges connected with the occupancy—such as the salaries of magistrates and other civil and colonial expenses borne by the Army and Civil Service Estimates—were not included. He would suggest to the noble Lord to move for this information in the form of a Return.

MEDITERRANEAN TELEGRAPHS.
QUESTION.

Mr. EYKYN said, he would beg to ask Mr. Chancellor of the Exchequer, Whether Her Majesty's Government have refused permission to the Marseilles, Algiers, and Malta Telegraph Company to land their cable at Malta; and, whether Her Majesty's Government will lay upon the Table Copy of the Convention by which they guarantee £3,000 a year to the Mediterranean Extension Telegraph Company?

THE CHANCELLOR OF THE EXCHEQUER: Sir, this matter is still the subject of negotiation between the Government and the company, and it would be very inconvenient to make a statement with respect to it till the negotiations come to an end. I shall then be happy to lay on the table any Papers and to give any other information on the matter. I must correct the hon. Gentleman as to the amount of the guarantee; instead of being £3,000, it is unfortunately £7,200 a year. I have no objection to lay a Copy of the Convention on the table.

EMIGRATION TO WESTERN AUSTRALIA.—QUESTION.

SIR JAMES LAWRENCE said, he wished to ask the Under Secretary of State for the Colonies, If he is now prepared to state the number of free Emigrants that will be sent to Western Australia during the present season; and, if he has any objection to lay before the House the Despatch recently received from the Governor of that Colony?

MR. MONSELL said, in reply, that no emigrants would this year be sent to Western Australia, except convicts' families, unless Government had conclusive evidence that free emigrants were wanted, and would be permanently employed. The despatch which had recently been received from the Colony furnished no such evidence, and until they received further despatches it would be impossible to say what would be done. There would be no objection to lay the despatch on the table.

IRELAND—LAND SALES.—QUESTION.

SIR FREDERICK W. HEYGATE said, he wished to ask the Chief Secretary for Ireland, When the Return relative to the total amount of Sales in the Encumbered and Landed Estates Court, and prices of agricultural produce, will be laid upon the Table of the House?

MR. CHICHESTER FORTESCUE, in reply, said, he could not at present say when the Return would be ready; but he would see that it was produced as soon as possible.

POST OFFICE TELEGRAPHS.

QUESTIONS.

LORD CLAUD JOHN HAMILTON said, he would beg to ask the Postmaster General, If it is true that members of Stock Exchanges in large towns have a priority over all other communications transmitted by the Post Office Telegraphs; and, whether they have any advantages which the public do not enjoy with regard to the payment of messages?

THE MARQUESS OF HARTINGTON said, in reply, that before the transfer of the telegraphs to the Post Office the Stock Exchanges of London, Liverpool, Manchester, Leeds, and, he believed, other towns, were connected by special wires; and some facilities were given to the members of these Stock Exchanges, in the shape of a short credit, for the settlement of their accounts. Those advantages were continued to them by the Post Office; but he was not aware of any priority or of any other advantages given to them over the public generally.

MR. LEA said, he would beg to ask the Postmaster General, If he is able to give an opinion as to what average time ought to be occupied between the reception of a telegraphic message at any of the chief district Post Offices of the Metropolis and its delivery within one mile of the terminal office in any important town within 200 miles; and, if he does not consider two hours much too long?

THE MARQUESS OF HARTINGTON replied, that it was impossible for him to say what exact time ought to elapse between the sending and the delivery of a message such as those referred to by the hon. Member. The time depended on the state of the wires and the amount of business. If the hon. Member alluded to the transmission of a message from Telegraph Street direct, the time ought not to be more than from twenty to thirty minutes. If the wires were in proper working order, two hours would be too a long a time. If the hon. Member knew of any particular case in which there had been undue delay, the better course would be to bring it under the notice of the Department.

IRELAND—BOROUGHS OF SLIGO AND CASHEL.—QUESTION.

Mr. STACPOOLE said, he wished to ask the Chief Secretary for Ireland, What are the intentions of Her Majesty's Government with respect to the Boroughs of Cashel and Sligo; and whether they intend to propose to the House that new writs shall issue for those or either of those Boroughs this Session?

Mr. CHICHESTER FORTESCUE replied, that the Report of the Sligo Commissioners had not yet been received. As soon as it was received the Government would be prepared to make a statement with respect to that and also to the borough of Cashel.

NAVY ESTIMATES.—QUESTION.

Sir JOHN HAY said, he would beg to ask, Whether it is the intention of the First Lord of the Admiralty to proceed with the Navy Estimates that evening? He apprehended it was unusual to take those Estimates on a Friday evening at so early a period of the Session; and it would be inconvenient to do so on the present occasion, as the right hon. Member for Tyrone (Mr. Corry), the late First Lord, was detained at his residence through illness.

Mr. CHILDERS replied, that he was not aware that it was unusual to take the Navy Estimates on Friday evening. As he had given full notice, he would bring the Estimates on if he could do so at a sufficiently early hour; but, as a particular Paper on the subject of the Naval Reserve, which he had hoped would be in the hands of Members that morning, had not been delivered till the afternoon, he would not propose to take Vote No. 4.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

HABITUAL DRUNKARDS.—RESOLUTION.

Mr. D. DALRYMPLE, in rising to move a Resolution that it is desirable to legislate for the proper reception, detention, and management of Habitual Drunkards, said, that as the present was not a party or political question he trusted it would receive that fair and impartial consideration which was always given to measures not appealing to party feelings. He would not detain the House by anything like a history of intemperance. He would rather appeal to the sad personal experience and knowledge of all who were listening to him to furnish illustrations of the disastrous consequences of habitual drunkenness. Every workhouse, gaol, and lunatic asylum was a standing memorial of this terrible scourge and curse. He had been charged with overrating the power of Parliament to deal with this matter, and with being more intent upon airing a crotchet than remedying a grievance. He maintained, however, that legislation on this subject was within the power of Parliament, and that the Legislature ought to endeavour to mitigate the sum of human misery caused by habitual drunkenness. He was no believer in the efficacy of penal laws to put down drunkenness, which would never cease out of the land until its moral wickedness was generally recognized, nor did he propose to deal with ordinary cases of intemperance. He did not seek to interfere with the convivial proclivities or social enjoyments of anyone. It was with the abuse and not the use of stimulants that he proposed to grapple. There were some things which the law could not do. It could not prevent the production of alcohol, or the thirst of the human stomach for stimulants, or the craving of the human brain for excitement. But he regarded habitual drunkenness as not only a bad habit and a vice, but also a disease, which took hold of the vital powers, got possession of the nervous centres, and was capable of being transferred from the parents to the offspring. There was a passage in *Aristotle* to this effect—"Drunken women do produce children like unto themselves." Habitual drunkenness was a disease which was curable in as large a proportion as those diseases for which Parliament made provision. Provision was made for the insane, the idiotic, the deaf and dumb, and the blind, but no provision was yet made for the victims of intemperance, who were larger in number than all these classes. It was said that the cure was not complete, and that the relapses were frequent. He could bury the House with statistics to the contrary, but he would only quote one fact—namely, that in one establishment in the city of Boston, where 2,000 cases of habitual drunkenness were treated, no less than half of them had been perfectly cured. In other establishments from 30 to 50 per cent of the patients were permanently and happily restored to their families. His idea was that an establishment or reformatory should be set up, to which individuals might be sent, and where they might be kept a sufficient time to obtain the requisite control and mastery over themselves. There was no such passion as the craving for drink. Everything sacred and holy was prostituted to the love of drink, until mind, body, and soul were ruined irredeemably by this one absorbing passion. He believed that if the law were to interfere in giving this power which he asked, and which did not exist at present, it would be a step in the right direction. A man or woman who had become mad from excessive drinking might now be placed in an asylum, and could be kept there as long as that insanity continued; but the moment the person became sane, he or she was released. The cause being removed the effect ceased; and just when they had taken the first and most important step the drunkard was set at liberty. He proposed that there should be a reformatory for habitual drunkards whether they were mad or otherwise, and to which persons might go on their own application. Many would do so, for there was nothing more remarkable than the intense longing which the victims of this craving often manifested to be saved from the effects of their own folly. Drinking to excess was no offence in the eye of the law, provided that public decency was not outraged and the public peace preserved. A man might drink at home to the ruin of his own health and of his family and all belonging to him without making himself legally responsible. He (Mr. D. Dalrymple) proposed that it should be in the power of an individual to place himself in the reformatory, or he might be placed there by those nearest and dearest to him, of course under proper regulations and safeguards. Three benefits would be gained by such a law. In the first place, the individual would be stopped from getting worse; in a large proportion of cases the victims of this passion would be thoroughly and effectually cured. In the next place, a man's family would be saved from ruin, disgrace, and public dishonour. Lastly, society would be protected from the evil consequences of drunkenness. Power should also be given under the Act to place the property of the drunkard under trustees appointed by a proper authority. One of the great difficulties in the way of reform was that the drunkard now had the control over his own property, which enabled him, so long as it lasted, to indulge the craving for drink. He had hitherto referred only to the upper stratum and well-to-do portion of society, who would be able to pay for the maintenance of the drunkard in a reformatory without any burden upon the public. It would, however, also be necessary to legislate for that numerous class of drunkards who might be said to reel between the gutter, the gin-shop, and the gaol. From a political as well as a social point of view he maintained that the law had a perfect right to step in and interfere with the freedom of the drunkard, so long as the undue exercise of that freedom was prejudicial to the interests of society. Mr. Mill had defined this right with great precision—namely—

> "Though ordinary drunkenness was not sufficient reason for legislative interference, yet, when it became an incentive to crime in others, it demanded interference."

He (Mr. D. Dalrymple) proposed to give the magistrates power to commit an habitual drunkard to the reformatory ward of the workhouse or to a reformatory to be established expressly for this purpose; and that the period of detention should endure until the person so confined could procure a medical certificate to show that he had obtained control over himself, or until his disease took the form, as it frequently did, of hopeless imbecility. He further proposed that these reformatories should be self-supporting, as they were in the United States. Those who were able should earn their living whilst in confinement, and in the event of a cure being effected the individual on his discharge should receive all he had earned above the bare sum expended for his maintenance, in order that he should have the means of obtaining a new start in life. It might be objected—"What is to become of the drunkard's family during the time he is in the reformatory?" But to this he answered that, if the thing were but half as successful as he hoped and believed it would be, they would have money in their pockets by lessening gaol expenses, which could be used in supporting his family. There would be so large a saving by emptying the wards of gaols and workhouses that the measure would be an absolute financial gain to the ratepayers. Between pawning for liquor, wife-beating, and crime-inciting, the home of the habitual drunkard was a perfect hell upon earth; and the honest and industrious would be better able to maintain a roof above their heads when the dissipated husband or wife returned from the reformatory in his or her right mind, instead of coming back sour, vicious, and gin-craving from twenty-one days in gaol. The drunkard, except in rare instances, was unable to reform himself, and therefore some interference was necessary. He thought that the subject, however, was too big for a private Member to undertake; and, therefore, he should be glad to hear from his right hon. Friend below him (the Secretary of State for the Home Department) that the Government would take it up at some convenient opportunity. The hon. Member concluded by thanking the House for the attention with which they had listened to him.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable to legislate for the proper reception, detention, and management of Habitual Drunkards,"—(*Mr. Donald Dalrymple,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MILLER said, he was glad that the subject of drunkenness, which was one of the crying evils of the day, had been brought before the House by the hon. Member for Bath (Mr. D. Dalrymple). He had presented a petition yesterday, signed by forty-five of the leading physicians of Edinburgh and Leith, praying that some legislative steps might be taken to subject persons afflicted with the disease of drunkenness to certain restrictions. The petitioners complained very much that although they often saw the necessity of placing drunkards under restraint, they had no power to do so for a sufficient length of time. As long as drunkards were in a state of perfect madness, they might be confined until they came to their senses again, but that was not enough. They ought to be subjected to restraint until the unnatural craving for drink had left them. He trusted the House would take the question into serious consideration, and that the result would be to provide a remedy for this monstrous evil, which was destroying the drunkards themselves, and was bringing destitution upon their families.

MR. BRUCE said, that whatever might be the opinion of the House as to the practicability of the suggestions made by the hon. Member for Bath (Mr. D. Dalrymple), nobody would question that the speech in which he brought them before the House did credit to his intellect and heart. He wished his hon. Friend, instead of submitting this subject to the House by way of general Resolution, had attempted to give effect to his opinions by putting them into the form of a Bill, and then would have been made manifest to himself and the House the enormous difficulty of the subject with which he proposed to deal. It seemed to him (Mr. Bruce) that in the first instance some voluntary effort should have been made for the purpose of providing such a reformatory as that which the hon. Gentleman described. True it was that provision had already been made for lunatics, and for the deaf, the dumb, and the blind; but he must remind the hon. Member that it was only in the case of violent and dangerous lunatics that the State had the power to interfere to cause their compulsory incarceration. He could understand that an institution such as that at Boston, where people voluntarily engaged to submit to a certain discipline for a certain time, might be productive of advantage; but he thought it impossible to call upon Parliament to pass a law by which persons affected with drunkenness should be kept in a sort of gaol till, in the opinion of physicians who had charge of them, they were sufficiently masters of themselves to be liberated. In the case of the lunatic the physician observed the disease, and was able to certify when the patient was cured; but it would not be possible for him to give a certificate that a drunkard who had been kept from stimulants was sufficiently master of himself to be trusted not to get drunk again. This was an entirely new step, and though that was no reason why it should not be considered, he believed it was one of a most dangerous character. He could well understand that with respect, not only to drunkards, but to various other persons it would, in the opinion of the great majority of mankind, be of advantage if we had such institutions as that which formerly existed in France under the name of *lettres de cachet.* It might be convenient to shut up many an erring wife and many a young man ruining the fortunes of himself and his family. It might be a great advantage to society to detain those men who lived upon the follies of youth; and, in fact, there were many other pests of society and of themselves who might, no doubt, advantageously be immured and kept in confinement for ever; but, as yet, Parliament had not thought fit to pass an Act to render such a proceeding legal. With respect to this experiment, it seemed to him that it was one that could hardly be tried till its success was almost hopeless. What was wanted was to stop the young man at the commencement of his career of drunkenness; but what his hon. Friend proposed would only apply to the case of confirmed drunkards. It was difficult to define in what class, and under what circumstances, they were to be dealt with, and, once laid hold of, how long they were to be detained. He was afraid he must consider this proposition as rather the dream of a benevolent mind than a practical measure. The cure must be found by other means. The greatest of all, no doubt, was the moral conviction that the habit was disgraceful. That feeling had operated most advantageously among various classes of society; and, notwithstanding what was said to the contrary, he believed it was spreading among all classes. The Government had prepared two measures which would, he trusted, have a marked effect in checking the abuse of intoxicating liquors. By the Spirituous Liquors Licensing Bill, which he would have to introduce, they hoped to place mechanical difficulties in the way of indulgence in intoxicating drinks; but he trusted that far greater effects would result from the Education Bill that had been brought in by the Vice President of the Privy Council, which would spread throughout the country sounder opinions and sounder knowledge, and which was, therefore, directed to the root of the evil. It was not by expedients such as the hon. Gentleman had proposed that this evil, which was almost a national curse, was to be remedied. He had listened with respect and sympathy to all his hon. Friend had said; but, after careful consideration, he failed to discover in the plan proposed anything to which a practical form should be given, even with the greatest desire on the part of the Government to attain the object which the hon. Gentleman had at heart.

Mr. DOWNING said, he had heard with regret the decision of the Government. The right hon. Gentleman the Secretary of State for the Home Department said that there was no example for such a measure as that proposed by the hon. Member for Bath (Mr. D. Dalrymple); but if he (Mr. Downing) were rightly informed a law of this character had worked beneficially in America and had saved many families from distress. He understood that in America a confirmed drunkard might, with the assent of the next friend, be committed for a certain time to an asylum where all the best influences were brought to bear upon him. In a great many instances these individuals left the asylum after a few months, and never recurred to drunkenness. He should be glad to see this question pressed to a division.

Mr. D. DALRYMPLE said, that after the intimation of the Secretary of State for the Home Department, he would withdraw his Motion; but he would bring the proposition forward on a future occasion in the form of a Bill.

Amendment, by leave, *withdrawn.*

NAVY—CASE OF LIEUTENANT CHEYNE.

OBSERVATIONS.

Sir JOHN HAY, in bringing before the House the case of Lieutenant Cheyne, said, he wished to make an appeal to the First Lord of the Admiralty in a case of individual hardship, consequent upon the recent reductions in the Navy. Lieutenant Cheyne, who had done very good service, was the son of Admiral Cheyne, an old and distinguished officer in the late war, and from the time he entered the service in 1844 until he became a lieutenant in 1851, had received commendation from all under whom he served. In 1857 he was appointed first lieutenant of the *Simoom*, and at the same time was given to understand that if he continued doing good service in the ship, he might fairly hope for promotion. In 1861 while discharging his duty in that vessel he saw a man in a position of great danger, and in saving him he risked his own life, and received severe injuries from which he was still suffering. When he came to England he communicated with the then First Lord of the Admiralty—the Duke of Somerset—and sought for promotion, but he was informed that, as he had received injuries which incapacitated him for foreign service, that could not be granted, but that everything that could should be done for him. Lieutenant Cheyne's object was promotion, but he (Sir John Hay) quite agreed that under the circumstances it was expedient not to promote Lieutenant Cheyne; and perhaps he was well compensated on being appointed one of the lieutenants of Plymouth Hospital. The advantages of that appointment were that his half-pay of £150 per annum was increased by £200, with a house partially furnished and certain other emoluments worth about £80 per annum, making an income of £430 per annum, as he thought for life. There he did his duty extremely well. But in the course of the changes that had been considered necessary by the present Board of Admiralty Lieutenant Cheyne had lost his appointment. He had his £150 a year, but instead of £200 a year compensation for life, that sum was only given him until he was fifty-five years of age. As soon as he was discharged from the office Lieutenant Cheyne again asked for promotion, and wrote to the Duke of Somerset, who forwarded him the following reply:—

> "Tuesday, Oct. 26, 1869.
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> "Sir,—I have received your letter. I should be very glad to hear that you had obtained promotion to the rank of commander, so that you may not suffer from having accepted the situation at the naval hospital. The injury which you incurred whilst on duty incapacitated you at that time for service in trying climates, and I did not then foresee the abolition of the place to which you were appointed.
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> "This is, therefore, a case where the First Lord of the Admiralty may mitigate the hardship of your present position, and I hope he may be enabled to accede to your application.
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> "I am not in town and cannot, therefore, see you, indeed I see no advantage in an interview, as I have no power except to express an opinion.—I am, your obedient servant, "SOMERSET."

On the 8th December, 1869, his Grace wrote—

> "Sir,—I have received your letter, and am sorry that a feeling, partaking somewhat of a professional prejudice, should obstruct your prospect of promotion. I do not, however, see that I can properly interfere in the matter.—I am, your obedient servant, "SOMERSET.
>
> "Lieutenant P. Cheyne."

And, again, on the 2nd January, 1870, to the following effect:—

> "Sir,—I have received your letter. I have already expressed my regret for the view taken by the Board of Admiralty of your claims and your position. I cannot, however, interfere in a matter where I have no authority.—Your obedient servant, "SOMERSET."

Inasmuch as a former Lord of the Admiralty who gave the appointment was of opinion that this officer had been hardly used, he (Sir John Hay) considered it his duty to bring the matter before the House. All he contended was that Lieutenant Cheyne ought not to be placed in a worse or in a better position; and if his right hon. Friend the First Lord of the Admiralty could see his way to giving Lieutenant Cheyne the £200 per annum for life with some £80 a year for the loss of his house and other official advantages, he should be satisfied. He had not the honour of Lieutenant Cheyne's personal acquaintance; he knew him only by repute; and he had brought the matter forward purely as an act of justice towards a public officer.

MR. CHILDERS said, he would state the exact facts of the case, and then the House would be able to see how far this gentleman, and others similarly placed, had been illused by the present Board of Admiralty. Mr. Cheyne was an officer who had served for eight or nine years as lieutenant, and against whom he had nothing whatever to say. He was an officer of good character, and who had done good service, but in 1861 he met with a very serious accident which incapacitated him for active service at sea, and for a short time he was in a home ship. Mr. Cheyne then applied strongly to the Duke of Somerset and other members of the Admiralty Board for promotion; but the Duke, with perfect wisdom, declined to promote him, and appointed him, very much against his will, to be lieutenant at one of the hospitals. The office to which Mr. Cheyne was appointed was one which, without using a nickname, he might say did not give the holder much to do. Last year, accordingly, on looking into the appointments held in connection with the hospital, it was deemed desirable to put an end to the office, and Lieutenant Cheyne was informed that after a certain time the office would cease to be. It was necessary to consider what compensation it was reasonable to give. Now, the office was a civil office, with a salary of £200 a year, besides the occupation of a house, and the result had been that, whereas while he was at the hospital, Lieutenant Cheyne received altogether in salary and pay £327 15*s*. a year, together with the use of a house, he now received £355 2*s*. 6*d*. a year, without a house, and as he had now no duties to discharge, this House would probably think that the Admiralty was not open to a charge of undue parsimony. Lieutenant Cheyne, instead of being treated unfairly, had been treated in an exceedingly liberal manner. He should never think of promotion in a case of this kind, for there was nothing whatever to justify Lieutenant Cheyne's promotion. Indeed, his hon. Friend had stated that he did not raise the question of promotion, and consequently the only remaining point to be considered was whether it was reasonable to ask Parliament and the Admiralty to grant a larger amount of compensation than £230 a year, without a house. He was of opinion that that was sufficient, and it was not the intention of the Admiralty to give him more. His hon. Friend had stated that Lieutenant Cheyne did not know at the time he was appointed that he would not be permitted to retain his office after he had reached the age of fifty-five. As to that, he would simply remark that the rule in question was of universal application to all permanent appointments of this kind, and that if he were to make the present case an exception to it he should be bombarded by applications from officers who had occupied similar situations. He might add that Lieutenant Cheyne would come off very well under the new retiring arrangements. Under the circumstances, he was unable to accede to the wish expressed by his hon. Friend.

MR. GATHORNE HARDY said, he had listened with some interest to what had been said, although he knew nothing of Lieutenant Cheyne except what he had heard with respect to that gentleman's services. He did not think, however, that the right hon. Gentleman (the First Lord of the Admiralty) had fairly stated the facts of the case. The Government had not given £230 to Lieutenant Cheyne at all. In the ordinary course of remaining on the list his half-pay had increased by £30, but he had got no addition for being deprived of his situation. Therefore, when the right hon. Gentleman said that the Government had given him £230 as compensation, that did not appear to be in accordance with the real facts of the case. This gentleman had had £200 a year, with a house and a certain portion of furniture, equivalent to £80 a year. Now, the peculiar circumstances of the case were such as must naturally excite the sympathy of Members of the House. Here was a gentleman, actively employed in the service of the Crown, who had distinguished himself on several occasions, and never more so than on the occasion when he received the injuries which resulted in his retirement from the office he then held. Seeing a man in danger of his life he put his own in peril, and though he succeeded in saving the man's life, he received an injury which disqualified him from remaining on board his ship, and serving his country in all climates. He came home, and the Duke of Somerset, with great kindness, seeing that he could not properly promote him, gave him an appointment, which it was understood at that time both by Lieutenant Cheyne and the Duke of Somerset, would be an appointment for life. It might, perhaps, have been something of a sinecure—into that question he would not enter—but it was an appointment given by way of an equivalent for the loss he had sustained and the sacrifice of his health in attempting to save another person's life. He had now been deprived of that employment, and instead of an equivalent, he was to receive £200 a year only till he was fifty-five years of age. The right hon. Gentleman maintained that Lieutenant Cheyne had been compensated very liberally because he was receiving almost as large an income as before; but, at all events, he had lost his house, had lost his furniture, and had been under the necessity of removing his children from school. His half-pay had been increased by £30 not by any act of the Government. In a case like this, of course the House could not make a grant, and he would, therefore, content himself by appealing to the Government to deal with this gentleman in a kind and considerate manner.

MR. CHILDERS explained that the increase of £30 half-pay was an act of grace on the part of the Government. It was not strictly in accordance with the rule, but, under the circumstance, an exception was made in Lieutenant Cheyne's favour.

MALT TAX.—RESOLUTION.

COLONEL BARTTELOT, in rising to call the attention of the House to the Report of the Select Committee on the Malt Tax which sat in 1867 and 1868, and to move a Resolution on the subject, said the question was a very important one, and although it had often been brought before the House, it had recently assumed a new aspect. A House of Commons elected as the present House had been would not, he believed, reject the Resolution he intended to move unless it involved something contrary to the principles which the House was prepared to endorse. In bringing forward this subject he was acting in accordance with the desire of those whose interests he advocated; and, even on the ground of a Free Trade policy in its broadest sense, he thought he had a right to claim the kind attention of the House. As the representative of an agricultural constituency, he was prepared to say that they had conformed in every respect to the Free Trade policy. The agricultural interest did not wish that policy to be in any way curtailed, but, on the contrary, they wanted to see it extended in every possible way, though he would venture to express his opinion that with regard to the Malt Tax they had some sort of a grievance. They had had to compete with the producers in all parts of the world, and had done their best to show that they could and would compete with them. They had much improved the cultivation of their lands, and had furnished a better supply of meat, and they hoped that as they had accepted a Free Trade policy they deserved on that broad ground alone some little consideration at at the hands of the House of Commons. He had also to appeal to the Chancellor of the Exchequer, but he would first refer to the fact that in his Budget of last year the right hon. Gentleman had repealed the shilling duty on corn. Whether the repeal of that duty was wise or not he would not now stop to inquire, but what was its effect? He believed that the effect had been to bring into this country, particularly during the last few months, an enormous additional quantity of foreign wheat and other grain. Now, he did not for a moment object to that, but he wished to point out that as our agriculturists had to contend against the increased quantity of produce now brought into the country, they ought to have the articles they could grow freed from taxation. Again, the right hon. Gentleman had reduced the duty on foreign beer, and assimilated it as far as he could to the duty now charged on malt. It might, no doubt, have been quite right to do so, but it ought to be borne in mind that foreign brewers could brew with anything they pleased, while English brewers could only use certain ingredients on which a very heavy duty was imposed. The agriculturists of this country entertained a very strong opinion on this subject, and he might state that next week a deputation from a body of them would make representations to the Chancellor of the Exchequer with regard to it. When, however, he placed the present Motion on the Paper he was under the impression that that deputation was to be received by the right hon. Gentleman on Tuesday last; but having secured a day for a discussion he might say, without any disrespect to the Central Chamber of Agriculture, that he could not postpone the Motion, considering the amount of business which was awaiting the attention of the House. The right hon. Gentleman the First Minister of the Crown had on several occasions during the time he was Chancellor of Exchequer told deputations that the House of Commons was the place where matters of this kind ought to be discussed, and that they must come here if they desired to have their grievances removed. Concurring in that opinion, he had taken the present opportunity of bringing this question forward. There were four great propositions laid down in the Report of the Committee which sat in 1867 and 1868, and which collected a vast quantity of evidence that was on the whole satisfactory. There were several hon. Gentlemen now present on both sides of the House who served on that Committee, and he believed they would do him the justice of admitting that he, as Chairman of the Committee, endeavoured to take that evidence impartially and lay the results fairly before the House. Well, the four propositions laid down in the Report of the Committee had reference, first, to the case of the producer; secondly, to the case of the consumer; thirdly, to the the case of large brewers, and brewers in general; and fourthly, to the Chancellor of the Exchequer and the revenue. Now, he would at once remark that as it was whispered that the Chancellor of the Exchequer had a very large surplus he saw no reason why the agriculturists should not derive some benefit from it. He might, of course, be told by the Chancellor of the Exchequer that he had to consider what he should do with his surplus, and that in due time he would inform the House what his intentions were as to its disposal. Well, if the right hon. Gentleman should give him that answer he must be satisfied with it and wait. He must, however, observe that the proposition which he was about to lay before the House would enable the Chancellor of the Exchequer, should he think fit, to do that which would, he believed, be a great boon not only to the producer, but to the consumer. The Committee to which he had already referred examined no less than thirty-seven witnesses, some of whom were connected with the Excise, some practical agriculturists, and some maltsters. They had also examined large and small brewers, a manufacturer, a labourer, a distiller, as well as Sir Charles Pressley; and anybody who would take the trouble of reading that gentleman's evidence would, he thought, find that he was favourable to the view which he was advocating. The case of the producer, which seemed to him to be a very strong one, was simply that, owing to the enormous tax on malt in the state in which it was taken and not on the manufactured article, he was prevented from cultivating his land in the way in which he should wish, because he did not receive a proper value for the second class of barley, which he thought he would obtain if the present duty were removed. The fact was that the duty tended, to a great extent, to the depreciation of that second class of barley, which, but for it, would be made into beer and used for feeding purposes in a very large degree. It operated to make the agriculturist cultivate his land by growing wheat, and otherwise, when, in the proper rotation of crops, he should grow barley. The First Commissioner of Works, whom he saw in his place, would recollect that he had examined one of the witnesses, who stated that he could not now sprout barley, which, he said, was permitted to be done in former days, inasmuch as the Excise stepped in to prevent it. Now, anybody at all conversant with such matters must be aware that barley sprouted and put on the couch was, he might say almost the very best food for fattening cattle. It was also good for horses, and it was clear that if a man were able to use his own produce to feed his cattle, instead of laying out money in the purchase of artificial articles, such as oil cake, and other commodities, which now cost the farmer large sums, a great saving would be the result. Upon that point his hon. Friend the Member for Scarborough (Mr. Dent), who sat on the Committee, and who drew up a counter report to that which he himself had presented, expressed a decided opinion as to the propriety of allowing some relaxation of the law in favour of the sprouting of barley for the use of cattle. As the law stood it operated as a great grievance on agriculturists, and if it were altered, meat might be produced at a much cheaper rate than at present; and anything which tended to make meat cheaper must be regarded in the light of a benefit to the whole community. He had in his possession a letter which he had received from the late Mr. Cobden a short time before he died, and which he should most gladly have brought down to the House had he been able to lay his hands on it, in which he said, referring to the Malt Tax—

> "If you go on Free Trade principles, I go with you entirely. In my opinion, if it could be done, the duty ought to be taken off altogether. They do not tax wine in France, and why should we tax the national beverage in this country,"

The case was a very hard one on the producer, whose barley was deteriorated in value. We could grow the best barley in the world. The hon. Member for Derby (Mr. Bass) used the best quality of barley. He had been given a return by that hon. Gentleman which showed the extraordinary high prices which he had paid for the best barley, but they were not anything like the average price paid by maltsters and brewers. The hon. Gentleman required the best barley to make that capital beer which he brewed. Everybody knew that it was a good article; more than that, the hon. Gentleman could make beer out of anything. His hon. Friend would not deny what he was about to say. Some few years ago, when the right hon. Gentleman the present Prime Minister brought in a Bill that went by the name of "Gladstone's Mixture Bill" his hon. Friend declared that the measure would be a terrible thing for the brewers, and that people would brew from the "mixture." His hon. Friend did brew from the "mixture"; he brewed from good malt as well, and two barrels of beer made by him, the one from "Gladstone's mixture," and the other from ordinary materials having on one occasion being brought into that House, the present Prime Minister having drunk both, could not tell the difference between them. That showed how clever the hon. Member for Derby was in his business. According, he might add, to the Malt and Beer Returns for 1868, moved for by his hon. Friend the Member for Southwark (Mr. Locke)—those for 1869 were not yet completed—the number of bushels of malt charged with duty in England in that year was 44,533,274; in Scotland, 2,275,119; and in Ireland, 2,795,538, while the entire quantity of barley imported into the United Kingdom was only 2,093,343 quarters. That showed that we could compete with the world with regard to barley; and, he might venture, as one humbly calling himself a practical agriculturist, to add that, if the duty were taken off, he should not be in the least afraid to compete with the foreigner. And what, he would ask, had been done for the agriculturists under the circumstances? There was that Bill to which he had already referred, introducing "Gladstone's mixture," which obliged them to grind up linseed with the malt, but it had to be ground up so small that instead of going down the animals' throats it went up their noses. There was also the "Malt by Weight Bill," which was intended to be a relief to the agriculturists, and which had been accepted by them in that spirit, but which had, on the whole, done them very little good, though they sometimes availed themselves of it in wet seasons to a considerable extent. He came in the next place to the case of the consumer, and he ventured to say that, looking at the people of England as a nation, he believed they desired to be enabled to drink good beer, and that if they could get such beer as his hon. Friend the Member for Derby would pour down their throats, they would be perfectly satisfied. His hon. Friend, however, knew perfectly well that that was beyond their reach. He was quite ready to do justice to all the large brewers, who were, he believed, on the whole, extremely honest and scrupulous in their dealings, and whose beer was, as a rule, most excellent and wholesome, for he had drunk it often. But, speaking of the lower classes of the population who frequented beer-houses, he could only say that these were for the most part abominable places, in which the customers were served, not with the beer they ought to get for their money, but with a concoction of every sort of bestiality in the shape of drink, which made the poor people feel next morning that they were totally unfit for work. There was one poor fellow who said—"If I knew how thirsty I was going to be this morning I would have drunk another quart last night." Now, we ought, he thought, to look to the interests of our poorer friends, and if it could be shown that by taking off the present tax and imposing the burden in any other way which the Chancellor of the Exchequer might think best, they could get pure malt and hops, a great benefit would be conferred upon them. The hon. Member for the East Division of the West Riding of Yorkshire (Mr. Fielden), who was a large employer of labour, had given very valuable evidence before the Committee as to private brewing, and the effect which, in his opinion, the taking off the tax would have on the poor. He said—

> "In the towns there is, I believe, little or no cottage brewing, but it is in the neighbourhood of towns; I found out of 9,822 families visited there were 7,459 who brewed at home. There were 735 who would have brewed, but they could not afford to do so; there were 597 who bought beer, and there were 1,031 who did not drink beer."

This was no party question, and all he asked was that it should be fairly considered in the interest of those who lived in the neighbourhood of large towns as well as the agricultural interest, the third point referred to the great brewers, and he believed that if his proposal were adopted it would in no way injure them, and that, on the contrary, they would get rid of the grievance of which they now justly complained—that the commuted hop duty was placed on them, and on them alone, and that by way of substitute for the hop duty of £300,000 a year they paid 3*d.* per barrel, which amounted to £410,000, and they could not get it out of the general public, because the amount was so small. No doubt the tax was now a small tax, and he proposed it should be a larger tax, but it would be an elastic tax. Two bushels of malt were supposed to go to the barrel of beer. If you took 2*s.* 8½*d.* per bushel, which was the amount of the Malt Tax, and doubled that, you would get 5*s.* 5*d.* per barrel, which, with the extra 3*d.* for commuted hop duty, making 5*s.* 8*d.*, would be charged as brewers' licence. The Chancellor of the Exchequer, with that liberality which was seen beaming in his face, would most likely begin his Financial Statement by saying that, having a large surplus, he could afford to reduce the tax at once, and, instead of 5*s.* 8*d.* only charge 3*s.*; and if that were the view of the right hon. Gentleman, the large brewers would have nothing to complain of. The tax was not an inquisitorial tax like that which used to exist in olden times. The old Beer Tax taken off in 1830, used to do the brewers much mischief, and hampered them in every way. But the levy of the duty he proposed would in no way be onerous. The exciseman did not interfere with the operations of the brewer, and, although he believed the Chancellor of the Exchequer thought no one a man of honour who had to pay him anything, there would be no difficulty in collecting this tax from the general body of public brewers. With regard to private brewers, rather than that there should be any exception, let the Chancellor of the Exchequer charge a licence duty upon them; and the estimate of what would be paid by them was £300,000. The only persons he would exempt were those who brewed half a bushel, or less than half a bushel. Many labourers brewed in such small quantities, and more would do so but for the exorbitant prices they had to pay for their malt. His opinion was that if the duty were reduced to the point he had named, the revenue would be increased. Well, then, if the great brewers and the Chancellor of the Exchequer did not suffer, would the maltsters complain? The only people who might complain would, he believed, be the large maltsters, who now had almost a monopoly of the business: smaller ones had to wait too long before they were paid, and could not stand the short credit given by the Government which their larger rivals were able to do. He asked the Chancellor of the Exchequer and the House to look at the whole question broadly, and fairly to consider his proposal. It was an honest one; and, in his opinion, would benefit both the producer and the consumer, and would not hurt the Exchequer; and it was in that spirit that he moved the Resolution of which he had given notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that, in lieu of the present Duties on Malt, a reduced charge should be made on the manufactured article, Beer; and it appears to this House that a Licence imposed in the same way as the commuted Hop Duty should be charged on Public Brewers, and a Licence to Brew on all Private Brewers,"—(*Colonel Barttelot,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. C. S. READ said, the advocates of the repeal of the Malt Tax had never sought to place a burden on other people's shoulders, and had never asked for this remission unless there was a surplus revenue, which they were told would this year be considerable. During the discussion reference would no doubt be made to the fact that the Report of the Committee was only carried by the casting vote of the chairman, but it should be borne in mind that three Members who were favourable to the Report were absent through accident or illness. The fact that barley had of late years commanded so good a price only proved that the soil and climate of England were peculiary adapted for its growth. The farmers could successfully compete against the whole world in producing barley, and they ought not to be hindered in the cultivation of so valuable a crop. Whereas Australia sent wheat to England, we exported a considerable quantity of barley to Australia, and he believed that if they really had Free Trade the best barley would average a higher price than wheat. It was said that Free Trade had not hurt the English farmers, but, at any rate, it has done this—their rents were raised, rates were constantly increasing, they had to pay more for labour; notwithstanding all the appliances of science to implements and machinery, the farmers now paid more per acre for manual labour than ever they did, and oilcake and guano were becoming dearer every year. With regard to stock, the profit they derived from high prices was not so great as that they would derive if they had lower prices and healthier cattle. After all, had not the grass farmers benefited from Free Trade rather than the tillers of the soil? Meat, butter, and cheese are dearer than they used to be, but tillage employed more money and more labour. It was constantly said that they ought not to put so much country into grass, but should keep it to tillage; but statistics proved that with the most heavy expenses the quantity of arable land was constantly diminishing. It had been proved that the Malt Tax considerably hindered the cultivation of the soil, and even in Norfolk, the best barley growing county in England, there were not so many acres of barley as of wheat, simply for the reason that with very high farming it was impossible to produce first-class barley. The evidence given before the Select Committee dispelled the delusion that the Malt Tax was any protection or advantage to even the very best class of barley. If wheat was taxed to the amount of 22*s.* per quarter—which would be 2*d.* on a 4lb. loaf—would it not limit the consumption of bread and act very prejudicially against the grower of wheat? The Malt Tax amounted to between £5 and £6 on every acre of malting barley, and it had been proved many times that when the tax was increased the consumption diminished and the price of barley became lower. That farmers were exempt from taxation might have been an argument in times gone by, but last year the Chancellor of the Exchequer removed the principal exemption from taxation, which farmers had previously enjoyed. He did not complain of that, because he advocated the abolition of all taxation that was not shared by all. Excepting the tax on horses, he did not know any tax which farmers escaped that was paid by the rest of the community, and as to that matter he desired the abolition of the duty on all horses used for trade purposes. He cordially agreed with the abolition of the tax on fire insurances, and he offered no opposition to the repeal of the shilling duty on corn, but he contended that consumers of bread had not been benefited by that remission, for before that £1,000,000 of taxes was given up he never knew wheat to be sold for 38*s.* per quarter and bread at 5½*d.* and 6*d.* the 4lb. loaf. It had been said that farmers would have fair play when the Corn Laws were repealed. The late Sir Robert Peel said the repeal of the Malt Tax must follow that of the Corn Laws. Lord Russell said if he were Prime Minister when the Corn Laws were repealed, the next tax he would abolish would be the duty on malt—a promise which he feared the noble Lord had forgotten. Mr. Cobden said it would be impossible, and unjust if it were possible, to retain the Malt Tax after the repeal of the Corn Laws. Why should malt be the only article excepted from the general remission of taxation which Mr. Cobden proposed? Now, what advantage could it be to the farmer to substitute a brewers' licence for the duty on malt? From what the Chancellor of the Exchequer told the brewers' deputation a few days ago, he had some hope that the right hon. Gentleman would listen to the suggestion of the farmers and free the maltster from the exciseman. Last Saturday he was told by a maltster, who was entirely engaged in making malt for exportation to Belgium, that the forms and ceremonies he had to go through were so galling and annoying that if he had to begin again he would build his malting premises in Belgium and export his coals and barley. The abolition of the Malt Tax would also set free malt for the purpose of stock feeding. When he was a boy it was a common practice in Norfolk to germinate grain for feeding purposes, but during the last few years farmers had been debarred from doing so, and had had to sell all the appliances which they used for that purpose. But the abolition of the tax would also tend very greatly to check the adulteration of beer, for the simple reason that untaxed malt would be so cheap as to exclude sugar and the drugs which were now used. As to private brewing, it was very common among the cottagers of Norfolk and Suffolk during haytime and harvest. Close to his residence lived a poor widow, who brewed as little as a quarter of a peck of malt and two ounces of hops at a time, and he could assure his hon. Friend the Member for Derby (Mr. Bass), that last Sunday she gave him a bottle of beer which was infinitely preferable to the table beer supplied in the dining-room of this House. It need not be difficult to put a tax on private brewers, for it might be paid according to the number of quarters of malt which they consumed, and it would be quite as easy to make a return of the quantity of malt brewed as of the amount of profit under Schedule D. In fact, he believed it was now the practice of the Excise to accept the brewers 'returns of the sugar used in brewing, and not to take any steps to ascertain whether those returns were true. There should, however, be a small licence duty imposed upon the maltster, in order that he might furnish proper delivery notes to the Excise, which would be useful for the prevention of fraud, and for statistical purposes. As to the particular benefit which the growers of barley would derive, he could only argue from the repeal of the hop duty, since which time his hon. Friend the Member for Derby had said the hop-growers had not only pocketed the whole amount of duty that would have been imposed, but had also received 20 per cent more for their hops than before. He did not suppose that the growers of barley would derive as great an advantage, but they would receive some substantial benefit. The brewers objected to the imposition upon them of the hop duty in the shape of a licence, because the amount was so small that they could not recover it from their customers: but he had previously suggested to the House that a charge of 1*d.* per gallon would be quite sufficient for revenue purposes. Last year, the brewers' licence brought in £410,000; but, if they laid on a duty of 3*s.* per barrel, they would get £4,920,000, and if there was to be any allowance whatever for increased consumption, as there ought to be, they might easily extract £5,500,000 from beer, which was all that ought to come from the beverage that was the labourers' chief luxury. He believed, also, that the proposed change would very much improve the habits of the people. It was ridiculous to suppose that, because wine or beer might be cheap, people were therefore drunkards. The very contrary was the case. Mr. Samuelson, not the hon. Member for Banbury, but a still higher literary authority, he believed the editor of the *Westminster Review*, published a very interesting article the other day on the German artizan and the English artizan, and made a strange comparison, that, whereas the German artizan could get wholesome beer at 1*d.* per quart, the English artizan had to pay 5*d.* for what was very much adulterated, and readily made him drunk. He did not go entirely with the teetotallers, who believed there was no virtue in beer. He believed that, for the labouring man, now that butchers' meat was so dear, and milk so scarce, beer was a necessary, and that it was better than so much tea, though he could hardly go as far as the old lady, who said that London porter was victuals, drink, and clothing. He had found that the man who drank his beer at home was the best agricultural labourer, and he had been told that the artizan who drank his beer with his family was not the man who, as a rule, frequented public-houses. He was aware that there was a certain class who were very angry because they could not get drunk for 1*s.*, and these were the men who liked the drugged stuff they got at public-houses; but that was no reason why cheap and wholesome beer should not be given to the labourers of this country, to whom it would be a great and inestimable blessing. During the last twenty years no less than £200,000,000 of taxation had been repealed, most of which should have gone into the pockets of the consumers, while nothing whatever had been done to better the condition of the producers of this country. After so many dishes of remission had been served to the trading, the commercial, and the manufacturing interests, he did hope that the time was come when they, the agricultural dogs, should be allowed to gather up a few crumbs from an overflowing Exchequer.

Mr. DENT said, he wished to bear his testimony to the fact that no Committee was ever presided over more fairly or had the evidence brought before it in a more impartial manner than the Committee on the Malt Tax. When we had an increasing expenditure and a declining revenue, he did not think it prudent to deal with so important a duty, because hon. Gentlemen should bear in mind that last year it reached very nearly £7,000,000, or about one-tenth of the whole revenue of the country. They must also recollect that they were dealing with the same class of taxes as their duties on wine and spirits, which brought in something like £22,000,000 of revenue. Therefore though he would be glad that the Chancellor of the Exchequer could see his way to dealing with this question as his hon. Friends desired, yet, with all the surplus the right hon. Gentleman might have in hand, he should fear very much any such meddling with taxation derived from a source like spirit. He did not go quite so far as the hon. Member for South Norfolk (Mr. Read) in believing in the extreme value of beer for the working classes. A great deal of evidence had been brought before the Committee as to the taxation laid on the farmer for the beer that he gave to his labourers, but he was glad that the hon. Member did not endorse that view of the case. Evidence had been also brought before the Committee to show that beer was not given by farmers to their labourers in lieu of wages, but anyone who looked into the question must come to the conclusion that the cry for the repeal of the Malt Tax came very much from those counties where beer was given to some extent in lieu of wages. It was also remarkable that in the blue book recently published upon the employment of women and children in agriculture, Mr. Culley, an Assistant Commissioner from the North, stated that in Berkshire, Buckinghamshire, and Hertford, where the average wage was 12*s*. a week, beer was given in lieu of wages to the amount of 4*s*. or 5*s*. per week during hay and harvest, and to an average of 2*s*. per week throughout the year, and that the labour-cost per acre in those districts to the farmer was 30*s*. per acre, while in the Northern counties, where the labourers' wages were much higher, the average labour-cost did not exceed 23*s*. per acre; and he attributed the difference to the fact that in the North beer was almost unknown to the agricultural labourer, whereas it was drunk to excess in the Midland counties. As to the dearness of butchers' meat and the scarcity of milk, he would be glad if by any means they could put it in the power of the agricultural labourer to get milk, which would be a much better thing for him than beer. He did not think his hon. Friend would disagree with him in that, because he stated, and very truly, that if anything out of the routine on a farm was to be done a drop of beer was wanted, and this miserable infatuation produced wretchedness, poverty and crime. In his own neighbourhood the agricultural labourers were not a drunken class, but when they did get drunk it was when beer was given them on thrashing days and such occasions. He could not help thinking that the Malt Tax was rather overrated as a check on agriculture. He put the question to Mr. Moore the late Earl of Radnor's land agent, and he said he did not think it interfered at all with the due rotation of crops. He quite agreed with his hon. Friends that the farmer ought to have a privilege with regard to feeding his own stock. Anything that might tend to cheapen butchers' meat or counteract adulteration ought to be encouraged. He should be exceedingly happy if the Chancellor of the Exchequer could hold out any prospect of putting this tax on those gentlemen who were well able to bear it, and if he could transfer it from the early to the latter stage of production.

Sir GEORGE JENKINSON said, he would appeal to the Chancellor of the Exchequer to give the agricultural interests the benefit of some portion of the surplus which, according to common rumour, he had at his disposal. The last speaker had stated that £7,000,000, or nearly one-tenth of the whole revenue of the country, was derived from the Malt Tax. That might be true, but the argument that because the produce of this one tax—drawn from one article and from one class—was so large, so therefore it ought to be left untouched and undiminished, was an argument that really told the other way; because it was obviously unjust that so disproportionate a sum should be levied from a single class. He maintained that the demand for the remission of this tax came from the counties where barley was grown rather than from the counties where beer was given in lieu of wages. Still, he would ask whether those farmers who gave good wholesome beer to their labourers did not better serve the cause of morality than those who gave to their men extra wages to spend in the beer house. They must remember that in the busy summer season, when the men were working from three in the morning till ten at night, they really required refreshment. He did not intend to argue the case as between the brewers and the agriculturists, but the right hon. Gentleman the Chancellor of the Exchequer would probably find but little difficulty in reconciling the brewers to the payment of the extra impost if he would but use that eloquence and adroitness by the aid of which he had succeeded in persuading so many that they would be gainers by some of his other proposals last year, even though the adoption of this change of levying the tax might involve their paying more than they did before.

Mr. DODSON said, that as one of those miserable and infatuated creatures, alluded to by his hon. Friend the Member for Scarborough (Mr. Dent), who liked an occasional glass of beer, and as one who took an interest in questions connected with the land, he was heartily glad that his hon. Friend the Member for West Sussex (Colonel Barttelot) had brought this question under the consideration of the House, and he trusted that the Chancellor of the Exchequer would devote his attention to the taxes upon beer. His right hon. Friend would find the history of those taxes very instructive and profitable, because it afforded examples in abundance of almost every financial blunder that could be committed. In the time of the Civil War the King imposed an Excise duty on beer, and the Parliament, determined not to be behind-hand, placed a duty upon each of the ingredients employed in the making of beer. Constitutional Governments subsequently, profiting by the example both of the Royalist and of the Parliamentary party, taxed at once the manufactured article and the ingredients—a policy about as reasonable as the levying by a water company of one rate upon oxygen, another upon hydrogen, and a third upon water. Then, as if that was not enough, there were heaped up a licence duty upon the maltster, another upon the brewer, another upon the publican, and Customs duties upon foreign hops, foreign malt, and foreign beer. No less than nine taxes had been imposed upon a single article; and, as if the temporal power had not done enough, the Church stepped in to establish its claim to an extra tithe upon hops. In 1830 the duty upon beer was repealed. Eight years ago the duties upon hops were removed, and amalgamated with the re-constructed brewers' licence; and at present the main tax upon beer was that which was levied upon malt. Such a tax was, of course, open to the objection that it was levied upon the raw material in the earlier stage of manufacture, and, consequently, the beer came to the consumer increased in price, not only by the actual amount of the duty but by the interest which each successive dealer would have to receive upon the money he had so expended. How much was thus added to the actual price was a matter which had been variously estimated. It must certainly be something considerable, for the duty upon malt was 70 per cent, and the cost of the malt amounted, speaking roundly, to half the the price of the beer. No doubt it might be urged in defence of this mode of collecting the duty that the revenue was more cheaply collected from 6,000 maltsters than it would be from six or seven times that number of public brewers, besides an indefinite number of private ones. That might be a fair argument if the malt duty was really a duty only upon beer. As far as the Exchequer was concerned no doubt it was so, because the Exchequer derived no revenue from any malt except that which was used in the manufacture of beer; but the tax was practically also one upon food. It would not be easy to conceive a more powerful argument against this tax than this—that, while professing to be a tax upon beer alone, it became also a tax upon beef and mutton; and that while it did great injury to the public in that respect, it did not in that shape contribute a fraction to the revenue. He was well aware that the right hon. Gentleman at the head of the Government passed a few years ago a Malt Cattle Feeding Act, but from a variety of circumstances, into which he need not now enter, that Act had remained practically inoperative. It might be said, too, that the utility of malt for the purpose of feeding had been very much exaggerated. It was possible that that might be the case, but he denied that its merits as an article of food for cattle had been fairly tested, nor did he believe that its merits could be fairly tested, because the duty prevented that test being applied. Of course it was possible to try any number of experiments, and by certain farmers, chemists, philosophers, and excisemen experiments had been tried, the result being invariably in accordance with the theory which the experiment was intended to uphold. But farmers' operations were of such a nature as to extend widely both over space and time. If a farmer was to employ malt in the feeding of his cattle with any benefit to himself, he must not be limited to its employment at any particular season or subject to particular conditions. He should be at liberty to use it when he had a large quantity of malt, when his malt proved unsuitable for the manufacture of beer, or when other crops failed; in fact, to be of advantage, he should be able to fall back upon it whenever it suited his circumstances. So long, therefore, as a duty was levied upon malt, farmers, he believed, could not employ it in a manner that would really be useful to them. Perhaps it might be urged that the grievance was a sentimental one—one that was purely imaginary. But an imaginary grievance—assuming it to be imaginary—if it was not the imaginary grievance of a few crotchety and sentimental individuals, but the imaginary grievance very seriously entertained by a very large, practical, and hard-headed portion of the community, became a very real grievance indeed, and was entitled to fair and careful consideration from a popular Government, even if they could not remove it. Assuming, as the Motion of his hon. and gallant Friend did, that beer must, at all events for the present, continue to be taxed, he would ask the Chancellor of the Exchequer whether he could not devise some means by which the duty upon beer might be levied, not upon the raw material, but somewhere nearer to the point of consumption, and in such a manner as should make it fall only upon the article it was intended to tax. His hon. and gallant Friend the Member for West Sussex, had pointed to a licence duty for that purpose. He confessed, however, that there appeared to him to be a considerable difficulty in the way of levying any very large amounts by means of a licence duty, because, as he apprehended, a licence duty implied the payment of a considerable expenditure in advance by the trader who took it out—a payment made before the trader had any means of ascertaining whether it would be profitable or not. He (Mr. Dodson) was, therefore, disposed to think that it would be difficult to raise any very large amount by means of a licence duty. A beer duty levied as a licence duty would be a licence duty only in name. But if a tax must be levied upon beer he would ask the Chancellor of the Exchequer whether it could not be levied upon the manufactured article beer itself. The old duty on beer was levied in an awkward and cumbersome manner upon strong beer and small beer. In the case of beer that was exported, no difficulty was found in testing its quality very accurately by ascertaining the amount of malt that it contained. It was possible, he believed, to ascertain to within one-fifth of a bushel the quantity with which the cask had been brewed. In such cases the quantity of malt was often more accurately ascertained than when the exciseman paid his visit of inspection with a view to the charging of the malt duty. It deserved consideration, in his opinion, whether the duty might not in future be charged upon the beer instead of on the malt, the quality of the beer being ascertained by gauging or in some other manner. This was a point on which the exciseman and the brewer might usefully compare notes and ascertain how far such a system was capable of introduction, without unduly interfering with freedom of the brewer's operations. In all the beer-drinking countries, East and West, a duty was in some form, levied upon beer. In Holland, in Belgium, in France, in Austria, and Hanover, and possibly in some other countries in Germany with which he was not acquainted, duty was levied upon the manufactured article. How this was done in other cases he was not prepared to say, but he knew that in Holland and Belgium the duty was assessed by examining the beer in the brewer's vats. He would suggest to the right hon. Gentleman the Chancellor of the Exchequer—always supposing that in the course of the next few weeks he was not about to give them an agreeable surprise by doing away with the malt duty altogether—whether it would not be desirable, if he and the Board of Inland Revenue could devise no plan for levying the duty upon the manufactured article, to ascertain what was the practice of foreign countries in this respect. Every year reports were received from Her Majesty's Secretaries of Legation relating to the countries in which they resided, their trade, manufactures, and finance. Would it not be a very simple and beneficial proceeding if the Government were to invite those gentlemen to direct their inquiries to this point, and to furnish the Government with precise details and information as to the manner in which the duty on beer was assessed and collected in those countries? He hoped the right hon. Gentleman would really direct his attention to the subject, for of this he felt assured, that whether the injury done to the consumers of beer, or to the producers of barley, was or was not much exaggerated by the persons whom the duty primarily affected, there undoubtedly existed a very strong feeling on the part of such persons that successive Governments had been inclined to treat their complaints rather lightly. The Government, in their opinion, were satisfied with finding that the revenue derived from malt was a very large and a very safe revenue, and being in possession of that large and safe revenue, they had shown themselves indifferent to the feelings and condition of those upon whom the tax pressed most heavily.

Mr. GREENE said, that as one of those whom the discussion represented in the light of a culprit standing at the bar of public opinion, he wished to offer a few remarks. The hon. Member for Derby (Mr. Bass) would agree with him that this was not a question between brewers and farmers, but as to what was best for the interests of agriculturists and of the country at large. He did not stand up as the advocate of any special interest, for he believed that brewers, like other men, were capable of taking care of themselves. The proposition of his hon. and gallant Friend (Colonel Barttelot) was that the duty should be transferred from malt to beer. He (Mr. Greene) had a vivid recollection of the period—forty years ago—when the duty was collected upon beer, and at that time trade was interfered with and trammelled in a manner that none but persons who were engaged in the trade could have any idea of. The hon. Gentleman who had just sat down, had suggested that the quality of the beer should be ascertained from the vat. But a great deal of the beer never entered the vat at all, but went direct from the brewer to the consumer; it would, therefore, amount to an impossibility to levy the tax in that way. As a brewer, he should have no objection to the proposal to place the duty upon beer instead of malt, provided they could show him how the duty could be collected fairly, and the dishonest man prevented from underselling the fair trader. It was inaccurate to say that the present duty on malt did not enhance the price of fine barley. There was a difference of certainly 10 to 15 per cent in the extract value from barley, and consequently a man, paying no more duty for 90 per cent than for 80 per cent, could afford to give several shillings more for fine barley. As to brewing at home, he left that branch of the subject to others; his business lay with supplying the public. No man desired more than he did to see men sober, for in the long run the drunkard was not the brewer's best customer. The curse of drinking he attributed to spirits. The only way in which brewers could recoup themselves for heavy taxation was by supplying a weaker article; and during the Crimean War, when grain was scarce, the brewers had been obliged to brew weak beer, and that he believed had induced the people to take to spirits. But if the burdens on the brewers were reduced, enabling them to supply a stronger article, spirits would be driven out of the field. He thought it only just to the farmer that he should be allowed to sprout his own barley, and use it for his cattle. But, as a brewer, he was of opinion that if the malt duties were touched at all they ought all to be put an end to, otherwise the trade would be thrown into inextricable confusion.

Mr. FIELDEN said, that many years ago his attention was drawn to this subject. He had given his calm and serious attention to the consideration of it. He was, perhaps, the only manufacturer in the North of England who had done so, and the conclusion to which he had come was, that this was a most unjust, unfair, and impolitic tax. What were the facts with regard to it? The farmers of England were now subjected to open competition with the whole world, and yet a tax was levied upon them, amounting to 70 per cent, and it was levied in such a way that they could not crop their land to the best advantage; while it also prevented their using a product of their land for feeding their cattle. The foreigner had not to pay the tax as it was remitted when malt or beer was exported. The evidence taken before the Malt Tax Committee clearly showed that malt was a valuable condiment in the feeding of cattle, and that if the farmers could malt their barley whenever they pleased without the excisemen coming in to supervise the operation—if they could in wet seasons, when barley was sprouting use it for feeding their cattle—the privilege would be of inestimable value to them. There could be no doubt that the tax was levied in such a way as to cause a serious addition to the price of meat, for farmers, instead of using the produce of their own land to feed their cattle were driven to buy other materials which cost more than malt without the tax could cost, and which were not nearly so good. So far as the farmers were concerned, therefore, the tax was a most unjust one. He looked at the subject, however, more with regard to the consumers of beer than the producers of beef and mutton. Being a large employer of labour—his firm employing, when their mills were at full work, 2,000 people—he knew something of the wants of workpeople, and of the evils inflicted upon them by that tax. He was glad to hear the Chairman of Committees (Mr. Dodson) announce that it was a tax of 70 per cent. When he (Mr. Fielden) first took up that question he found that the advocates of the Malt Tax only made it out to be 30 per cent, whilst other persons in high positions, men occupying responsible posts in the Government, made it out to be 12½ per cent. He had gone very carefully into the matter, and he came to the conclusion that it was a tax of 70 per cent; and if that were so it was a tax that pressed more heavily on a necessary of life than any other tax, and one which they might therefore fairly call upon the Government to remit or to reduce. The Malt Tax was a tax on a raw material. It was levied upon barley on its conversion into malt. The operation of the tax necessarily enhanced the price of barley; for, in order to conform to the regulations of the Excise the maltster had to select a certain class of barley which would produce the result within a certain number of hours. In 1864 he had written a pamphlet upon the subject, in which he took the price of barley to be 31*s*. per quarter, and if they took this as the average price they would not be far from the mark. The tax upon barley on its conversion into malt was 21*s*. 8*d*., and any schoolboy could tell them that 21*s*. 8*d*. on 31*s*. was as near 70 per cent as possible. Mr. Milner Gibson, who was President of the Board of Trade several years ago, stated in that House, on the 14th of April, 1864, that the tax was only 12½ per cent, and he was subsequently confirmed in making that statement by the right hon. Gentleman now at the head of the Government. The same statement with respect to the 12½ per cent was repeated by the newspapers —the so-called "cheap instructors" of the people. First among these, *The Times*, the influential journal, as it was called, took up the statement that the tax on malt was only 12½ per cent, and sent it all over the world; but, to show the reliance to be placed on such statements and the candour of the leading journal, although he wrote to *The Times* and placed the simple calculation, showing that the tax was 70 per cent, on a sheet of note-paper, and signed his name to it, *The Times* would not insert it. The statement of Mr. Milner Gibson was altogether fallacious, and it was unfair and unmanly—if they might speak of such a thing as manliness in the editor of a newspaper—to reject the communication. The statement was used to compare the duties levied on the imports of foreign products into this country and to show that they were taxed higher than malt. When he saw that statement he was completely astonished, and felt that his honour was at stake, for he had been, about that time, addressing public meetings, and had stated what he believed to be the pressure of the tax; and when a man, in a public position, found that he had made a false statement it concerned his honour toprove his figures. He went more carefully through the figures, and came to the conclusion that he was right and that Mr. Milner Gibson was vastly wrong. At first he did not well know how to get at the figures, but he applied to his brother-in-law, Mr. Cobbett, who was then a Member of the House, to get them for him. Mr. Cobbett applied to Mr. Hutt, who was then Vice President of the Board of Trade, and he said he would get them in a day or two. In a day or two Mr. Cobbett applied again, when Mr. Hutt said—"I don't know where Gibson got his figures, but they are not at the Board of Trade." Mr. Cobbett then gave Mr. Hutt a paper, which he (Mr. Hutt) subsequently handed to Mr. Milner Gibson with the various articles of which that gentleman had spoken written on it, and opposite to them columns for the price in bond, the amount of duty, and the percentage. Mr. Hutt said that when he did so, Mr. Milner Gibson looked at the paper and said—"Oh, I can fill these up in a moment," and began filling up the columns with his pencil; but suddenly he stopped—he (Mr. Fielden) supposed he had smelt a rat—paused in his work, and said—"Oh, I must see to this by-and-by." But that by-and-by never came. With the permission of the House he would read the figures as he had arrived at them from other sources, because it was important that the impression should be removed which the statement of Mr. Milner Gibson had made; particularly as the right hon. Gentleman the present Prime Minister had characterized Mr. Gibson's calculation as rigidly just. [Mr. GLADSTONE: Where, and when?] He would inform the right hon. Gentleman where, and when. He would find the words in his Budget speech of 1865. He confessed he was astonished when he read that statement of the right hon. Gentleman, because he had had an interview with him shortly before, when the right hon. Gentleman admitted the principle that a tax levied on the raw material took of necessity more from the pockets of the people than went into the Exchequer. To return to his figures. When he found he could not get them from Mr. Milner Gibson, he applied to the first merchants of the City of London to tell him the price of the various foreign products in bond, and the duty upon them; he extracted the percentages for himself. He would only take the principal articles. He found that the price of tea in bond was then 2*s.* a pound; the duty was 1*s.*, and the per centage was therefore 50 per cent. Mr. Gibson said it was 80. The per centage on sugar varied from 50 to 55 per cent. Mr. Gibson said it was 60. The duty on Ceylon coffee was 36 per cent. Mr. Gibson was here under the mark, and said it was 33. The duty on French wines Mr. Gibson said was as high as 22 per cent, while he (Mr. Fielden) found that the duty on claret was only 12 per cent, and the duty on champagne 11 per cent. The duty on port wine Mr. Gibson put at 32; it was really 30. On sherry he said it was 29; it was 19. All these calculations were made by Mr. Gibson to show that malt was less heavily taxed than foreign products, while the fact was that the foreign product then most heavily taxed was sugar, which was 55 per cent, while malt was 70. Since then the duties on foreign products had been lowered—the duty on tea was now 25 per cent, sugar 33, coffee 36, claret 12, and champagne, the rich man's beverage, which ought to be taxed most heavily of all beverages, was only 5 per cent. If they held that a tax on intoxicating drinks was a proper mode of procuring revenue, let them act honestly and begin by taxing the beverages which the Members of that House indulged in, and tax them at least as heavily as the poor man's drink. But that was not all. The tax on malt was a tax on the raw material, and, as the right hon. Gentleman at the head of the Government admitted, it was a tax that went on increasing, and the consumer paid more than went into the Exchequer. The maltster paid the tax in the first instance, but he charged for it, upon the sale of his commodity, interest and profit. The tax, for instance, was 21*s.* 8*d.* per bushel. But as the maltster paid the tax, he had to charge interest and profit upon this advance of capital, as he did on other capital invested in his trade. If they took the interest on capital at 5 per cent, and profit at 10 per cent, they would not be very wide of the mark, and the account would be as follows:—

	s.	*d.*
Amount of tax	21	8
Maltster's charge on the tax, for interest and profit, 15 per cent .	3	3
Tax charged by the maltster . .	24	11
Brewer's charges on the tax, 15 per cent	3	9
Tax charged by the public brewer .	28	8
Retailer's charge on the tax, 10 per cent	2	10
Tax charged to the consumer by the retailer	31	6

The House would see that he only allowed 10 per cent to the retailer for profit, as he generally worked with the brewer's capital, receiving payment over the counter before he paid the brewer. While, therefore, the revenue received 21*s.* 8*d.* on every quarter of malt, the consumer had to pay, in consequence of the way in which the tax was levied and for the interest and profits on the tax charged by the three great monopolists, the maltsters, public brewers, and retailers of beer, 31*s.* 6*d.* as the cost of the tax on every quarter of malt consumed. If that was not a bad tax he did not know what was. He would quote the words of the Chancellor of the Exchequer as to the impolicy of levying a tax on a raw material. On April 8, 1869, the right hon. Gentleman said, in that House—

> "Then it (the duty on corn) is a tax levied on the raw material in its rawest state, and this shilling has to bear its profit through the hands of the corn-dealer and the retailer, and in the loaf of the baker. In every way, in fact, it violates the principle of political economy."

He wished now to say a few words on the past history of this tax. It had come with a cruel pressure upon those honest, hardworking people who brewed, or would brew, their own beer. He should be told that there was no such thing as cottage brewing now-a-days. Perhaps the statement he had to make would take the House by surprise. But, at all events, home brewing did prevail at one time all over England, and the result of the discontinuance of that practice had been to create much of the wretchedness and misery and drunkenness existing in this country. Cobbett tells us that—

> "Mr. Ellman stated to a Committee of the House of Commons in 1821 that forty-five years before that, when he became a farmer, every labourer in his parish of Glynde, where he lived, brewed his own beer, and drank it by his own fireside. Forty-five years back from 1821 takes us to 1776. At that time there was no tax on malt if made by persons for their own consumption. In the year 1783 this permission ceased."—[*Political Register*, vol. 87, p. 720.]

The effect of the change might be seen by the following figures:—In 1713, when the population of England and Wales was 5,000,000, and the duty 6*d.* a bushel, with the above exception, the number of bushels on which duty was paid was 30,000,000. That was 6 bushels per head. In 1864, when the population of the United Kingdom was 30,000,000, and the duty 2*s.* 8*d.* a bushel, the consumption was 45,000,000 bushels, or at the rate of 1½ bushels per head. So that while on every hand we were discussing the drunkenness of the labouring population, it appeared that the consumption of malt was not nearly so large per head as in 1713. The explanation was, that the high price of beer, caused by the Malt Tax, led to adulteration and to the drinking of ardent spirits, also vilely adulterated, and this it was which led to the curse of drunkenness. If the Malt Tax were repealed a glass of pure beer could be bought for a penny. This would be a great boon to the labouring people, and especially the agricultural labourers, and the consumption of ardent spirits would decrease. But he wished to show the House that the practice of cottage brewing still existed in the North of England. In the years 1865 and 1866 he had employed a person, in whom he had every confidence, to make a regular house to house visitation in several townships in the neighbourhood of the towns of Leeds, Halifax, Huddersfield, and Bradford, and in the vale of Todmorden. He visited 9,822 families; and the following statement showed the extent to which private brewing is practised in the following townships:—

TOWNSHIP.	PARISH.	Total Families.	Brew at Home.	Would brew, but cannot afford.	Buy Beer	Do not drink Beer.
Elland	Halifax	1419	1237	51	73	58
Hipper-holme-cum-Brighouse	Ditto	1737	1301	141	157	138
Quarmby-cum-Linley	Huddersfield	987	784	84	71	48
Idle	Calverly	2231	1643	220	106	262
Langfield	Halifax	876	610	46	48	172
Middle Third of Stansfield	Ditto	798	591	54	49	104
Todmorden and Walsden	Rochdale	1774	1293	139	93	249
		9822	7459	735	597	1031

Therefore, so far as the inquiry went, the tax operated with hardship upon 84 per cent of the population, and those the best class of working men; for the House might depend upon it that the man who got his wife to brew at home would not go to the pot-house to drink the vile concoctions sold there. Those who could not afford to brew at home were induced to frequent the public-house, where one glass led to two, and more. If we could resuscitate the practice of cottage brewing we should do more to cure drunkenness than all the efforts of temperance associations. The quantity of malt brewed by these cottagers was remarkably small. It seldom exceeded one-eighth of a bushel, or five pounds. It was brewed every week or fortnight, as the case might be, and the housewife attended to it as she went about her other domestic duties. The process of cottage brewing was a most simple one, and its cost was literally nothing but the price of the malt and hops, because the cottager's fire would have to be kept up in any case, and any extra fuel that might be required in brewing was paid for by the sale of the grains. That was the way in which the operation of cottage brewing was performed. It was most beneficial in its results, and a wholesome and refreshing beverage was produced. He would now come to the question raised by his hon. and gallant Friend (Colonel Barttelot) as to a substitute for the Malt Tax. He approached the question reluctantly, because he believed that pure beer was the natural beverage of the country, sent by a wise and beneficient Creator for their use, and that the Malt Tax was a bad tax, and one that ought to be altogether abolished. But he knew the difficulty in which the Chancellor of the Exchequer was placed—that the right hon. Gentleman would have calls upon whatever surplus he had from various interests in the country, each thinking its claims paramount; under these circumstances he (Mr. Fielden) had turned his attention to the question of a substitute for the tax. There could be no worse tax than a tax on the raw material, and if they could get rid of the interest and profit paid by the taxpayer to the maltster and brewer it would be a great benefit to the consumer. What suggested itself to his mind was to increase the amount of licence duty now paid by the public brewers and sweep away the Malt Tax altogether. Such a change would remove the injustice now felt by the farmer, who, while he had to compete with all the world was prevented from carrying on his business as he thought best. It would, moreover, reduce the price of beer very considerably, because it would get rid of those charges which were the necessary result of a tax laid upon the raw material. He could not tell at what rate the brewers could sell their beer after the repeal of the Malt Tax, because he did not know the cost of brewing by public brewers; but he thought a pretty correct conclusion could be arrived at in this manner—In the Committee on the Malt Tax, Mr. Allsopp was asked this question—3346. "You think the public brewer can deliver beer cheaper than the private brewer or the cottage brewer can brew for himself? The reply was—"I am sure we can; and we do, and send it all over Wales, and Scotland, and Ireland, and England. Our trade is enormously increasing. That is the best proof of it." Now, let them see what the cottage brewers could brew for. They brewed an eighth part of a bushel at a time. The Malt Tax increased the price of malt fully 100 per cent, for it was proved before the Malt Tax Committee that if the tax were repealed malt could be sold at the same price as barley, as the cost of malting was paid by the increase in bulk. They now paid 8*s.* a bushel for malt. One-eighth of that was 1*s.* They used one ounce of hops, and the total cost was 1*s.* 1*d.* From this they could brew seven quarts of beer, being at the rate of 2*d.* per quart. Now, if there were no Malt Tax, malt would be sold at £1 12*s.* a bushel, and the eighth of a bushel of malt would come to 6*d.*, the ounce of hops to 1*d.*, and thus for 7*d.* they could get seven quarts of beer, or at the rate of 1*d.* per quart. That was, perhaps, weaker beer than would be ordinarily brewed; but he had had brewed at his own home beer as good as that of either Bass or Allsopp, which would cost, if there were no tax, 1¼*d.* per quart. If therefore Mr. Allsopp was correct in saying he could brew cheaper than the private brewer, it was clear Mr. Allsopp could deliver to him beer of equal quality to that at 1¼*d.* per quart. Mr. Allsopp told the Committee that he allowed 40 per cent for retailing; but, allowing ¾*d.* per quart for retailing, they would get 2*d.* per quart as the cost at which beer could be sold over the counter if there were no Malt Tax. Mr. Milner Gibson said the Malt Tax was only ½*d.* per quart. If, then, they substituted a brewer's licence for the Malt Tax they would have beer sold over the counter, according to the statement of Mr. Allsopp, for 2½*d.* per quart. But what was the price now? The price of the vilest stuff in the lowest pot-house was 6*d.* per quart. In a refreshment-room 3*d.* per glass was charged, which was at the rate of 1*s.* per quart. But taking it at 6*d.* per quart, there was according to the statements of Mr. Allsopp and Mr. Milner Gibson, a charge of 3½*d.* a quart on the consumer, in consequence of the mode in which the tax was levied, over and above what went into the Exchequer. He would now come to the question as to the result of the change upon the revenue. He did not agree with the hon. Member for West Sussex (Colonel Barttelot) in his suggestion to tax private brewers, because he thought the habit of cottage brewing ought to be encouraged. The quantity of bushels of malt consumed by the public brewers in the year ending 1868 was 48,000,000 bushels—that was the quantity on which they paid the licence duty instead of the hop duty. If they took that at 6*s.* a barrel, and included the licence duty paid in lieu of the hop duty, it would bring in a revenue of £7,200,000. The revenue this year was not equal to that amount, and therefore the Exchequer would not suffer at all by the change. But, more than that, they ought to take into account the enormous increase in consumption that would take place from a reduction in price. He now came to the argument of certain persons that it would be a bad thing to increase the consumption of beer in this country, It was laid down by them that beer and all intoxicating liquors were injurious. Now, he believed that good beer was necessary for the vigorous life of the healthy labourer. He invited the teetotaller, who certainly could never succeed in inducing the people to adopt his impracticable views, to join him in the object they had both at heart — namely, to make the people a sober and industrious people. He believed that could be done to a great extent by reducing the price of beer, so as to bring it within the reach of every labourer. But care must be taken to have the beer pure. We found that in other countries labourers drank intoxicating drinks, and that there was none of that drunkenness and misery there which we saw in this country. He would take the case of Bavaria, where beer was consumed in enormous quantities; but there no one ever saw what might be called "a beastly drunken fellow." The Government of that country was a paternal one, and it would be better if the Government of this country became in this respect an equally paternal one. The beer brewed in Bavaria was of one uniform quality, the price was fixed by the Government according to the price of hops, and official beer-tasters went round to prevent adulteration. If they found any beer that was not pure and wholesome they pulled the plug out of the vessel and let the beer flow away. That was the penalty on the person who had adulterated it. He had received a letter from a friend, a Manchester merchant, who was travelling in Bavaria, informing him that although he was not a beer drinker in this country, he scarcely drank anything else in Bavaria, the beverage being so deliciously pure and cool. The tax there amounted to only 10*d.* on sixteen gallons, or ¾*d.* per gallon, and the beer was sold at 2*d.* per quart in summer, and 1½*d.* in winter. In conclusion he believed that if the Malt Tax was taken off, and the labourer could procure pure, wholesome, and cheap beer, an immense amount of comfort, contentment, and happiness would be brought home to many a hearth.

MR. GLADSTONE: Sir, I do not propose to detain the House by entering at all into the merits of the Malt Tax. It has been my duty on former occasions to state my views on the subject, and I have seen no reason to change them; but I am desirous of correcting an error into which the hon. Gentleman who has just sat down has twice fallen. The hon. Gentleman told the House that Mr. Milner Gibson having stated that the result of the malt duty was to impose upon beer a tax of 12½ per cent, that statement was adopted by me. I took no notice of the allegation when the hon. Gentleman first made it; but when he spoke about the honour of a man being pledged to calculations made by him, and repeated that my honour was pledged, I was obliged to ask him when and where I made the statement he attributed to me. On referring to the speech from which the hon. Gentleman made his quotation, I found that the source of his error was that he had adopted the dangerous practice of stopping in the middle of a sentence. What I said was this—

> "My right hon. Friend the President of the Board of Trade stated that the Malt Duty imposed upon beer a tax of 12½ per cent, and I am able to say two things—first of all, that I believe that that statement of my right hon. Friend was a rigidly just one in every sense of the word for the purpose with a view to which he used it—namely, for the purpose of comparison with the duty now imposed by law upon tea; and, secondly, that very high authorities connected with the trade—men intimately conversant with the brewing trade—have, upon being applied to, given the very figure that was mentioned by my right hon. Friend."—[3 *Hansard*, clxxxviii. 1111.]

I then proceeded to say it might be more proper that I should "take it on the barrel of beer," that being the fair way, as it appeared to me, for the purpose of comparing the burden of this duty with the burden of the tea duty on the chest and half-chest of tea. I afterwards said—

> "I am prepared to allow that the taxation upon beer as sold in barrel, of which all but 1, or perhaps 2 per cent, is the Malt Duty, may, for the sake of argument, be taken on a liberal estimate as high as 20 per cent."

The hon. Gentleman who has laid down such rigid rules about our honour will see, therefore, that my estimate was not 12½, but 18 or 19 per cent. The hon. Member ought not, binding a Minister to statements made five years ago, to have quoted them inaccurately. But I protest against the idea that our honour is involved in the accuracy of calculations such as these. A man's honour is involved in the good faith of his calculations, but not in their result. I think the hon. Gentleman himself should give his ready acquiescence to the sound doctrine I have just laid down, for what was his calculation? His deduction was that the Malt Tax was 100 per cent, and he arrived at it in this way. The price of barley is 32*s.* and the price of malt 64*s.*, and 64 being twice 32, *ergo* the Malt Tax is half the whole price—allowing nothing whatever for the cost of converting barley into malt. The hon. Gentleman at the end of his speech showed that the cost of the Malt Tax was 3½*d.* on the quart of beer, or 1*s.* 2*d.* a gallon; and running up that computation on the number of gallons consumed, I find that the cost of the Malt Tax to the consumer, according to the calculation of the hon. Gentleman, which he says has been made so carefully, is £52,500,000. The hon. Gentleman certainly has a rival in these rather singular statements, for I recollect that the hon. and gallant Colonel (Colonel Barttelot) was preceded by a learned Gentleman on former occasions who estimated that the tax to the consumer was £60,000,000 a year. I do not wish, in the slightest degree, to interfere with the hon. Member's elaborate computations, whatever result he may arive at. I do not mean to impeach the good faith of the hon. Gentleman, of which I have no doubt; but I would advise him to quote with accuracy, and not to hold to a doctrine that the honour of Gentlemen is involved in the calculations they may make.

THE CHANCELLOR OF THE EXCHEQUER: I shall detain the House for only a short time. I think that those of us who are familiar with the oratory and literature of the Malt Tax must feel pleased at the fairness and moderation with which this discussion has been conducted. Comparing the arguments used this evening with those which we heard on former occasions, we have every reason to congratulate ourselves. No case could be more fairly stated than this has been by the hon. and gallant Member for West Sussex (Colonel Barttelot). I have the agreeable feeling of being able to agree with many of the arguments which have been adduced by those who support the hon. and gallant Member; and I do not mean to use the arguments which some Gentlemen have supposed I would use. I do not mean to strain matters. I quite agree with Gentlemen opposite in this general principle—that to tax a commodity in the early stage of its manufacture is wasteful, because there must be interest on the capital advanced, and probably a profit charged upon it too, so that much more is taken out of the pockets of the taxpayer than ever reaches the coffers of the Government. There is also another objection to taxing a half-raw material—namely, that you assume that it will be manufactured in a particular way. This, of course, has a tendency to fetter persons in their efforts to bring about improvements in the manufacture. That is quite manifest, and it is no part of my duty to deny it; but the process in the case of the Malt Tax has not been adopted from mere love of a certain course which is not in accordance with the principles of political economy. There are other considerations to which we must have regard when dealing with a matter of this kind. We know that at one time there was a beer tax as well as a malt tax; but the former was found to be so inconvenient and unfair, that by almost unanimous consent it was abolished in 1830. The Malt Tax remained, and such a tax has this great advantage—that when you deal with a commodity before it is fully made—when you take it at an early stage of its manufacture—you can calculate the tax with greater ease and with less danger of fraud. The process is something like what is done when a bridge is thrown across a stream before it divides itself into many channels. To deal with 9,000 maltsters is more convenient than to deal with 30,000 or 40,000 brewers. I will not go into the question of the reduction of the tax. The question before us to-night, and to which I will scrupulously confine myself, is the manner of its collection. We have had three suggestions made to us to-night, and I will take them in their order. The present way of collecting the tax begins at the earliest moment with the manufacture of malt. The hon. Member for Bury St. Edmund's (Mr. Greene) has suggested that instead of taking the tax on the manufacture in the hands of the maltster, we should go a step further, and take it when it passes into the hands of the brewer. With submission to the hon. Gentleman, who has a great practical knowledge of the subject, it appears to me that this would be no improvement whatever, because it would still have the evil of taxing the raw material, and all the difference would be that, instead of taking the tax on malt in the hands of 9,000 maltsters, you will tax it in the hands of 33,000 brewers, and by that means increase very much the labour, and, consequently, the expense of collection, without, as I understand, any corresponding advantage to the public. The next suggestion is that of my hon. Friend the Member for East Sussex (Mr. Dodson), and anything coming from him is entitled to great attention. He suggests something not very far from a return to the beer tax which was done away in 1830, and recommends that we should tax beer instead of malt in the hands of the brewers, and apply tests to it to ascertain its specific gravity, and that then the beer should be taxed according to the strength it might possess. Such a method of taxation would be immensely laborious, and you would have the same difficulty as before. You would have got rid of the objection that you are taxing the raw material, which would be an advantage; but, on the other hand, you would not only have to tax it in the hands of the brewers, a more numerous class—and there are many of them in a small way, and making small quantities—but you would have besides to tax it by a course of experimental investigation, which would be infinitely vexatious, expensive, and laborious. Instead of going to the fountain head, and finding how much malt goes out to the brewer, you will omit to ascertain the amount when it is in the hands of the maltsters, and you will wait until it gets into the hands of the brewer and into the form of beer, and then, by a sort of analytical test, you are to ascertain by some chemical or other process how much malt might have gone into the hands of the brewer in order to make that beer. I think it would be better to go to the maltster at once. The third plan is that of the hon. and gallant Member for West Sussex (Colonel Barttelot), who has brought the question forward. That plan has, in some degree, the merit of novelty. I am not aware that such a plan has ever been proposed before; and I cannot help thinking that it has its origin in something that was said at a deputation of some gentlemen who honoured me by bringing the matter before me the other day. Perhaps it was something said by the hon. Member for Derby (Mr. Bass), who objected, as he was very well entitled to do, to the licence duty levied on brewers at this moment. When it was suggested by me that he could recoup himself from the consumer, the hon. Gentleman said, "No, the duty is too small—only 3*d.* a barrel." It seems that the hon. and gallant Member for West Sussex, much meditating upon that answer, might have said to himself—"If that be the only fault, that the duty is too small, we can soon remove that objection." In fact, it seems to me that the hon. Member for Derby and the hon. and gallant

Gentleman opposite have taken the two well-known lines of the parody, the hon. Member for Derby saying the first, and the hon. and gallant Gentleman the second. The first line was—

> "The tax is great because it is so small,"

—to which the hon. and gallant Member for West Sussex would answer—

> "Increase it and it will not hurt at all."

That is a very original way of treating the case, and I am bound to say it is totally new to me, and as being new I am quite willing to give it my best consideration. It is quite true that the grievance complained of by the hon. Member for Derby, that it is only 3*d.* a barrel, is a remediable one. It could be removed to any extent whatever by the sum of 5*s.* 8*d.*, or any other sum that would be a proper amount. I have made a calculation in my own mind that, if the grievance were thoroughly remedied according to the plan suggested by the hon. Member for West Sussex, the hon. Member for Derby would probably have to pay about £170,000 a year. Speaking seriously, of course this question, as raised by the hon. Gentleman with his great knowledge of the subject, is one which I cannot refuse to consider. At the same time, it strikes me that there are difficulties to be got over besides the very large sum to be collected from individuals. One of these is, as it seems to me, that we must put aside the view taken by the hon. Member for East Sussex, and leave out of the case altogether the question of the quality of the beer. I do not see how you can levy this tax on the beer in the hands of the brewer, and no one but the brewer to bear it. It would be impossible to go into a test of every barrel, and there would be this inconvenience among others, that you would have to tax the lowest quality of beer above table-beer and the highest quality at exactly the same amount. The question, I admit, is not one to be dismissed without consideration, and I will undertake most carefully to consider it, and when I come to make my Financial Statement I will either accede to it or give very good reasons for not doing so. That is only due to the hon. and gallant Gentleman for the moderation and fairness with which he has brought the question forward, and I hope that, under these circumstances, the hon. Gentleman will not think it necessary to press his Motion. The time is not very remote when I must make a clean breast of it.

MR. NEWDEGATE said, he wished to remark, with reference to the observation of the First Lord of the Treasury, that his hon. Friend (Mr. Fielden) had said the tax was 70 per cent on the price of barley, and 100 per cent to the consumer. A tax of 21*s.* upon 32*s.*, the price of barley, was much nearer 70 than 20 per cent. The tax created a monopoly, for it was notorious that its operation was to render the employment of large capital necessary in brewing, and large capitals were confined to few hands.

MR. M. T. BASS said, he was surprised that the hon. Gentleman (Mr. Newdegate) should state the tax at so high an amount. It was very high, indeed, and he had for more than twenty years endeavoured to reduce it; but to place it at 100 per cent was so extravagant that it placed anyone who made that statement in the wrong. The hon. Member had just now spoken of the brewing trade as a monopoly; but how could it be a monopoly when there were 33,000 competitors? Taking a personal view, he only wished there was some little monopoly in the trade. On public grounds, however, he was averse from monopoly. He wanted free trade, pure and simple. Twenty-one years ago he asked leave to introduce a Bill to reduce the Malt Tax by one-half. That measure then met with very little support from hon. Gentlemen opposite connected with the agricultural interest. He still thought the malt duty ought to be reduced, and he should be glad to see it altogether abolished; but, looking to the fact that £22,000,000 or £23,000,000 a year were raised by the taxes on beer, wines, and spirits, he did not see how it could be spared, because, if they reduced the impost on beer, they must reduce the taxes on wines and spirits. The hon. Gentleman opposite proposed to increase his licence duty from £9,000 or £10,000 to £190,000 or £200,000 a year. Well, he believed he should have no difficulty in distributing that among his customers. No doubt there were grave and serious objections to the collection of the tax on beer, and the present plan of taxing it in the first instance on malt was the truest and most practical mode of taxation. A great deal had been said about the brewing of beer by labourers. Now, he had lived a good deal in the country, and had never known a single instance of cottage brewing; and why? The labourers in his neighbourhood, in consequence of the great extent of brewing operations, were very largely employed in brewing, and they were well aware that brewing in a tea-pot with a pint of water, as had been described, was the most wasteful outlay that could be conceived. It would be an utter waste of time and money for cottagers to brew their own beer, because in nineteen cases out of twenty it would be quite unfit to drink. Some notice had been taken of brewers' licences, and he hoped that he should be allowed to make a few remarks upon that subject. He regarded those licences as most unjust, because no other trade was subject to them. It was most unfair to select a certain body of traders, and to impose upon them a licence duty of from £10 to £10,000 per annum, more especially when that very body already contributed to the revenue by way of duties from £5,000,000 to £6,000,000 per annum. He was sure that when the right hon. Gentleman the Chancellor of the Exchequer introduced his Budget he would be able to find no argument in favour of retaining those licences. When the right hon. Gentleman the Prime Minister, as Chancellor of the Exchequer, first instituted them, he told the House that he only desired to obtain by their means a sum equivalent to the £300,000 per annum that he had up to that time received from the hop duties. The private brewers were exempt. The present Chancellor of the Exchequer, however, obtained £410,000 from these licences, and therefore plundered the brewers of a sum amounting to 30 per cent on the sum which it was originally intended they should pay.

COLONEL BARTTELOT said, he was perfectly satisfied with the answer he had received from the Chancellor of the Exchequer. In fact, it was a more courteous answer than he ever got before. He would therefore withdraw his Amendment upon the Motion for going into Supply.

Amendment, by leave, *withdrawn.*

IRELAND—LOUTH ELECTION.

OBSERVATIONS.

MR. O'REILLY-DEASE said, he rose to call attention "to certain occurrences which took place at Louth at the last General Election, and to the manner in which recommendations for Peerages were made by the Ministry then in Office." He applauded the determination which appeared to exist on both sides of the House to grapple with the great difficulty of the age and do justice to Ireland, and was emboldened in consequence to ask the House to condemn some occurrences which had caused a strong feeling of irritation in the county of Louth, and had tended to weaken the respect due to the discharge of a high prerogative of the Crown. He had wooed the constituency of his native county with the devotion of a lover who would not be denied; he shrank from no labour, and spared himself no sacrifices, to gain the object of his ambition; he might say to his constituency, as the minstrel knight in the old legend—

> "The blood that I shed for this daughter of thine
> I have poured forth as freely as flask gives its wine."

But a gentleman employed in the household of the Lord Lieutenant of that time, allured by the promise of an English Peerage to his paternal relative on condition that he would oppose him (Mr. Dease) before a constituency with which he had no more connection than with the moon, addressed the constituency, canvassed the county, but dared not appear at the poll. The whole proceeding was calculated to bring nobility into disrepute, and depreciate the respect due to the authority of the Crown. He was rejoiced to say that the gentlemen of the county, who were almost all Conservatives, although he believed they entertained strong feelings of dislike towards himself and his Colleague, yet were men of honour, and refused to countenance any such proceedings. The promise made was however faithfully kept, and the new Peer was enabled to use his fire-new stamp of honour, by voting in his novel capacity of a Roman Catholic Peer against the Irish Church Bill of last Session.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) £968,857, Victuals and Clothing for Seamen and Marines.

Sir JOHN HAY said, he hoped, before the Vote was agreed to, that some explanation would be given regarding the change which had been made in the victualling department The right hon. Gentleman at the head of the Admiralty ought to give the Committee the reasons that had, in his opinion, justified these alterations. A good deal had been said respecting the reduction of this Vote, and on reference to the Estimates, he found that the diminution chiefly had reference to clothing and other articles which had hitherto cost £204,000, but for which this year only £92,000 was demanded. It was all very well for the present Administration to take credit for this reduction; but it was well to bear in mind that the diminution was occasioned, not by the price of the articles having been lowered or fewer having been bought, but in consequence of the present Board of Admiralty making use of the large stores accumulated by their predecessors. The Secretary of the Admiralty had the other night referred to these accumulations, especially in the matter of stockings, and from the tone of his remarks some persons might be led to think that the previous Administration was very greatly to blame. This, however, was by no means the case. The stores were accumulated during the time of the Indian Mutiny and the Crimean War, and as large quantities remained after these wars were concluded it was thought better to keep such of the stores as would not deteriorate, in case similar emergencies arose, rather than sell them at a great sacrifice. Much could be said on both sides of the question, and for that reason he did not intend to criticize the policy which had dictated their sale. If anything could be got for them, he quite agreed that it would be better to sell them. He was afraid, however, that the items to which he had referred by no means represented the £204,000, the amount of reduction, and he was afraid there was really a reduction in articles of which it was absolutely necessary to keep a permanent supply on hand. To this he most undoubtedly took exception, believing it to be unjust towards the Navy. As regarded the reduction in the Vote for Clothing, from £300,580 to £180,669, he was afraid that when the seamen came to hear of it they would naturally think that inferior clothing was being supplied to them, which would prove detrimental to the Navy. He hoped this would not be the case. He hoped the right hon. Gentleman the First Lord would postpone Votes 3 and 4 until certain hon. and right hon. Gentlemen, who were especially interested in the subject, had had an opportunity of mastering their details.

Mr. HERMON said, he wished to have some explanation as to the increase of an item for the victualling and clothing of servants.

Mr. CHILDERS said, in reply to the question of the hon. Member for Preston (Mr. Hermon), he had to explain that a most important improvement had been introduced into the least effective part of the Fleet by the substitution of Marines for common servants. There was a large number of persons who were popularly, though not with strict justice, termed idlers, who did duty as servants, and for these men Marines had now been to a great extent substituted. As to the questions addressed to him by his hon. and gallant Friend opposite (Sir John Hay) he would remark, in the first place, that the items in the Estimates had been framed after the most careful inquiry, and that he was satisfied he was asking for a sufficient sum of money to keep up the stocks of victuals and clothing in an efficient state. Every care had been taken that no ground whatever should be given to the sailors for supposing that they were being supplied with articles inferior to those which they had been accustomed to. Indeed, the Committee which was lately appointed to investigate the question of victualling savings had been expressly instructed to bear in mind that its most important feature was that of health and comfort rather than economy. For the future, he hoped the victualling department would be placed on a more satisfactory footing. Formerly, the comptroller was responsible for the purchase and custody of victualling stores, for the accounts, and in the main, for the yard establishments. It had, however, been thought convenient to divide these several functions, and consequently the contract and purchase department would look after the buying of stores, and the Accountant General would look after the accounts. So that the store department would have only the general charge of the stores and the responsibility of advising the Admiralty when there should be fresh supplies, and as to what improvements ought to be introduced. Having thus reduced the business of the department to one-third of what it was it, of course, became unnecessary to retain an independent officer in so high a position as that of the comptroller of victualling. He felt confident that the division of labour which had been introduced would turn out to the public advantage.

MR. GOURLEY said, he wished to call attention to the large sum required for the Coastguard Service. The primary duty of this body was to prevent smuggling; the body was composed of 6,450 men, and the annual expense to the country was nearly £700,000. It appeared, however, from a Return which he had moved for last year that the Coastguard only detected fifty-one cases of smuggling in a year, involving seizures to the value of £626. In his opinion, the time had arrived when the House ought to endeavour to procure a considerable reduction of the number of men employed in this service, which was of comparatively little use since we had abandoned our policy of maintaining a system of high protective duties. He believed that it would be practicable to reduce the cost for the Coastguard one-half before coming before Parliament next year to propose the Vote. It might, perhaps, be said that to do this would be to throw a large number of men out of employment; but upon inquiry it would be found that these men could easily find employment in the Mercantile Marine, in which there was a scarcity of men, one-third being foreigners.

MR. ALDERMAN LUSK said, he was of opinion that the Government paid a larger sum than was needful for the provisions for the Navy in consequence of their mode of dealing. Hitherto, so far as the supply of meat was concerned, they had been in competition with all the other butchers in London, making their purchases of cattle in the worst market in the world, the New Metropolitan Market, where they had to compete with the whole of London, instead of buying in such places as Aberdeen and the West of Ireland. He might add that the Government had often been advised to manufacture as little as possible; yet, in face of this maxim, he found that they carried on the manufacture of salt provisions, flour, mustard, coffee, and other things. Why should they not, he should like to know, buy their flour in the open market, as was done by all the 10,000 bakers in London? Why, too, instead of roasting their coffee on shore, and keeping it in tins for twelve months, did they not, as was done in merchant ships, get it roasted on board, where they had plenty of hands for the purpose? When put in tins, roasted and perhaps ground, and used after the lapse of a year, it became "stale, flat and unprofitable." They might just as well have an infusion of tea bottled up to be kept until it would become a puzzle to chemists. How it was possible that such stocks of provisions could have been accumulated by those who had the management of affairs at the Admiralty he could not understand. Why, for instance, should they have on hand a stock of pickles sufficient for four years? The disgraceful story about the anchors had not been lost on the public; and, perhaps, this was the least of it. No more wasteful system could be pursued than keeping on hand large stocks of articles which were not wanted. If a little more of the spirit of business were infused into the Admiralty and War Office, the Army and Navy would be better administered, and the country better served. He had listened with great attention to the speech of his right hon. Friend at the head of the Department a few evenings ago. There was in it a good deal of artistic combination, and it exhibited great research and knowledge of details. His right hon. Friend had gone a good way in the right direction; but he would be all the better for a little pressure forward still, for a great deal remained yet to be done.

MR. BAXTER said, he entirely concurred in every word that had fallen from his hon. Friend the Member for Finsbury (Mr. Alderman Lusk). He agreed with him that the Government ought not to manufacture what they could buy fairly and reasonably in the open market. The Admiralty were now buying American and Australian beef in the open market with a view of ascertaining whether a supply of it would be acceptable to the Navy; but there were some difficulties in the way, inasmuch as a contract had been entered into three years ago for a ten years' supply of preserved meat at Deptford, and that contract could not be got out of without the payment of a penalty of £1,000 or £1,100 a year. In reply to the hon. and gallant Member for Stamford (Sir John Hay), he might observe that it was entirely a mistake to suppose that the supply of provisions had not been kept up to a good standard; in fact, there was in some instances, especially in the transport department, an excess. As to the stock of clothing, it was in all the departments far too high. The accuracy of some of the figures which he had given a few evenings ago had been disputed; but no one denied that there was a supply of clothing for several years. Of hair for beds there was two and a half year's supply; bed cases four years' supply; materials for packing goods to be sent to foreign parts, four years' supply; mits for the men, one and a half years' supply. They now, consequently, asked for a moderate sum in the Vote submitted to that Committee, but thought they were certainly asking for quite as much as was required for the supplies of next year.

Sir JOHN HAY said, he concurred with the First Lord in the measures he had taken for reducing the number of servants afloat; and as it was only in deference to Sir Sydney Dacres' opinion that the late First Lord (Mr. Corry) did not do so, he should be glad to hear that Sir Sydney had changed his opinion. He (Sir John Hay) thought that such men only should be employed as could act not only as servants when required, but could also render valuable assistance in time of war. As to the stock of preserved meats, it was no doubt desirable to reduce the stock if it was superabundant. He did not say that good preserved meat was not to be bought; but the Department had seen what might happen in the case of the Goldner contract, when the tins of what should have been wholesome meats were found filled—not here and there, but by thousands—with offal and every abomination. For this reason the Duke of Somerset, then at the Admiralty, determined that the meat should be packed under the eye of some person responsible to the Crown; and under the contract with Messrs. Hogarth the process of preserving meats for the Navy was carried on at Deptford under the inspection of Government officials. Up to that time preserved meats were only issued to the sick, and were supplied in very small quantities; but now they were issued regularly as provisions for the ship's companies. He trusted that the Admiralty would be careful in a matter of such great importance. The late Board attempted to enter into contracts for a supply of Australian preserved meat; for while the price paid to Messrs. Hogarth was 11*d.* per pound, it was hoped that the Australian meat might be bought for 7*d.* The French Government had contracted for a considerable supply with some establishment in Australia; but the late Board felt that if they entered into any such arrangement some officer of the Crown should be present during the process of tinning, and he should be glad of an assurance from his right hon. Friend that this precaution would be taken. He wished for some explanation with respect to the items of light and culinary fuel, in which he observed there was a considerable reduction in the amount.

Mr. Alderman W. LAWRENCE said, he had been informed that the surplus stores of one dockyard might be selling off, while at another yard contracts were being entered into for a supply of the same kind of goods. He had also been informed that the stores on board a ship coming into dock were usually sold, and then disposed of by the purchaser to some other dockyard, so that contractors sometimes bought from the Government in one place, and sold to the Government their own goods, at a profit, in another place. Why not transfer these surplus stores from one port to another? He understood that even at the present time contracts were out for supplies for India, when the very same articles were being largely sold at the dockyards. He wished to know whether each dockyard was considered as a separate establishment; and, whether it was true that stores were purchased for one dockyard when the same class of articles were being sold in another?

Mr. CHILDERS said, he could assure the hon. Member that there was no such theory nor any such practice. So far from it, there was a constant transfer of stores from one dockyard to another. The Government would not have any such cast-iron rule of accounts as to require one dockyard to sell off surplus stores which were required at another; and he might mention that previous to the very large sale of stores at Woolwich, the Admiralty had taken the greatest precaution by sending details of those stores to every establishment at home, and even to establishments abroad, to prevent the waste of those stores. The hon. Member for Sunderland (Mr. Gourley) had gone into the subject of the Coastguard; but he (Mr. Childers) did not think the Committee would wish him to discuss the question of the strength of the Coastguard upon this Vote for Provisions and Clothing. He would simply remind the hon. Gentleman that the present Government, when it came into Office, considerably reduced the Coastguard; and he might add that, though the Coastguardmen would still be employed in revenue duties and the protection of life and property from shipwreck, yet the main object of the force would be to constitute a Naval Reserve. The 4,200 men composing it were all blue-jackets in the prime of life; they went to sea every other year, and were the first force the country would fall back on in case of war. As to the coals, the old practice was to purchase under Vote 10 all the coals required for engineering purposes, and under Vote 3 what were required for culinary purposes. That was an unnecessarily complicated system. It caused labour and trouble in passing the consumption in the galleys of each ship and each sort of coal as a cash transaction through the Admiralty books; and it had been thought better to purchase all the coal under one head, calling upon the responsible officers of the ships to account for what had been consumed for each service. The change of system had led to considerable economy. A question had also been asked about the purchase of preserved meat, and allusion had been made to the Goldner and Hogarth contracts. The Goldner story was an old one. The transaction occurred before the sale of preserved meat was anything like a general trade. [Sir JOHN HAY: It occurred in 1854.] That contract was a decided failure, and, in some respects, possibly something worse, and ended in a great catastrophe. The Hogarth contract was in 1865 or 1866, and it was made because it was very wisely determined to carry out much further than before the practice of issuing preserved meats. That determination had resulted in decided good. But he was bound to say that the extreme precaution which his hon. and gallant Friend (Sir John Hay) wished to be adopted—namely, to buy no preserved meat which had not been enclosed in the tins in the presence of a Government officer, would not be practicable. He preferred to purchase from reputable parties, taking the usual precautions as to testing and inspection, and he could not give any such undertaking as that which had been asked for. A great change for the better had taken place in late years, and preserving meat was better understood now than formerly. The late Board of Admiralty took the preliminary steps for issuing to the fleet a quantity of Australian meat. [Sir JOHN HAY: On trial.] The reports from the Channel Fleet as to that meat justified the present Board in purchasing a further quantity, and they had, accordingly, contracted for 200,000 lbs. It would be satisfactory to the Committee to know that the price at which the contract was taken was, in round numbers, 6½*d.* per lb., the price at Deptford last year having been 11½*d.* per lb. In this matter they would proceed only tentatively, because it would be the extreme of folly to do anything that would cause distrust on the part of the seamen. Hitherto they had been successful, and he hoped they would continue to be so.

MR. ALDERMAN LUSK said, this was another instance how things were discussed in that House. The Goldner contract was some twenty years old, and no purchaser except, perhaps, the Admiralty would have thought of going to Houndsditch to buy meat. The hon. and gallant Baronet (Sir John Hay) might as well say that, because his grandmother was cheated fifty years ago in taking a bad shilling, he would not run the risk of taking a shilling now. It did not follow that because one man sold a bad article a quarter of a century ago, every other person did the same now. He did not find fault with the Admiralty for selling old stores, but he found fault with them for buying so many new ones, thus losing the interest of the purchase-money for three or four years, and finally selling them at one-fourth of the cost.

Vote *agreed to.*

£159,368, for the Admiralty Office.

Mr. F. A. STANLEY appealed to the First Lord of the Admiralty to postpone the Vote, as both the right hon. Gentleman the Member for Tyrone (Mr. Corry) and the noble Lord the Member for Chichester (Lord Henry Lennox) were prevented by illness from attending, and this was a Vote on a subject in which both took considerable interest.

Mr. CHILDERS said, he did not wish to do anything unfair, or not in accordance with the feelings of the Committee. Due notice had been given of his intention to take Votes that night. If it was the wish of the Committee, the Vote could be postponed; otherwise, he would be ready to proceed.

Sir JOHN HAY said, he would venture to repeat the appeal which had been made to the First Lord of the Admiralty by his hon. Friend. The absence of the right hon. Gentleman and the noble Lord really arose from illness, and not from inattention to duty. The right hon. Gentleman attended when the Estimates were moved at great inconvenience to himself; he was then suffering from bronchitis, which had since considerably increased. He (Sir John Hay) was not asking to have the Estimates postponed, but only this particular Vote. Looking to the great interest which his right hon. Friend the Member for Tyrone (Mr. Corry) took in this question, and the great changes which had been made, the request was not unreasonable. He did not say that the changes deserved reprobation. If passed, after full discussion, they might appear deserving of praise.

Mr. CHILDERS said, after the appeal that had been made to him, he would not press the Vote.

Vote *deferred.*

(2.) £68,794, Scientific Departments, Navy.

Sir JOHN HAY said, he wished to ask whether the Report of the Hydrographer to the Admiralty on the Suez Canal would be placed in the hands of Members, and be attainable by the public generally? He understood that the Report, which was an extremely valuable one, was only available for the Naval Service.

Mr. CHILDERS said, his hon. and gallant Friend (Sir John Hay) probably referred, not to the Report of the Hydrographer, but of another officer (Captain Nares) who had visited the Suez Canal at the time of its opening. That Report would be available to the public. The Hydrographer of the Navy and the Director of Works had gone out at the joint request of the Admiralty and Foreign Office to examine the Canal as far as concerned its future use. The Hydrographer had already returned, and the Director of Works was to come tomorrow, and when these two officers had written their Report it would be considered by the Admiralty, and he presumed there would be no objection to lay it on the table of the House.

Sir JOHN HAY said, he wished to know whether the Admiralty charts had been so corrected as to show where deposits of mud had collected in the Suez Canal; and, whether those corrected charts had been issued to the public?

Mr. CHILDERS said, the corrections had been made, having been ordered some weeks ago; but he was not sure whether new charts had yet been issued.

Colonel BARTTELOT said, he was curious to know the meaning of an item of £1,540 for instruments and clocks required for the observation of the transit of Venus in 1874?

Mr. CHILDERS said, it was his duty last year, at nearly the close of the Session, to propose a certain expenditure in connection with the observation referred to, and he received the approval of the House for that expenditure. It was absolutely necessary that preparation should be made some time before. The expedition would not leave this country until the end of 1872, or the beginning of 1873; but it was requisite that the Astronomer Royal should be in a position to purchase and commence the adjustment of his instruments during the present year.

Sir JOHN HAY said, the fact that Captain Cook was dispatched from this country to observe the transit of Venus in his time three years before it occurred was a sufficient justification for the precautions which the Admiralty were taking to ensure those accurate observations which the advanced state of scientific knowledge demanded in the present day.

MR. GOURLEY said, he hoped that the Admiralty Report on the Suez Canal would be at once made public.

MR. SAMUDA said, that under the head of Awards for Experiments and other Scientific Purposes he observed an item of £500 as a gratuity to the Institution of Naval Architects. Being the treasurer of that institution, he fancied that he never received in one year more than £250. He saw that some expenditure had been incurred on account of dredging at Pembroke Harbour. That seemed scarcely to be an experiment or to come under the head of scientific expenditure.

MR. CHILDERS said, if his hon. Friend referred to his books he would probably find that between April and April he had received £500, though not, perhaps, between January and January. With respect to Pembroke, there had been some very interesting experiments as to the blowing up of a rock, which were of great scientific value.

MR. ALDERMAN LUSK said, there was an increase in this Vote, and it was therefore desirable that the right hon. Gentleman the First Lord of the Admiralty should watch it closely, for an immense amount of money was sometimes expended on scientific operations without any tangible result. The sum of £1,695 was mentioned in connection with students of naval architecture, and the amount would appear to indicate that a large number of persons were engaged in this study. He was at a loss to know how they would be employed in the future. We had only four or five new ships building, and there was no probability of an immediate increase.

MR. CHILDERS said, there were only thirty students at the School of Naval Architecture, and he did not think that number excessive considering the importance of the subject. He regretted the absence of his right hon. Friend the Member for Droitwich (Sir John Pakington), who had been accustomed to speak on this question, to which he had paid particular attention. Although a lover of economy, he (Mr. Childers) should not be willing to see a reduction in this item. If it were not for the preparations for observing the transit of Venus there would be a reduction of this Vote. The principal items of apparent increase related to the education of our officers, and on these points he believed both sides of the House were in accord.

MR. GRAVES said, he wished to call attention to a matter of considerable importance. He feared that full use was not made of the Chart Department of the Admiralty; and he was confirmed in his view by the fact that there had been a gradual diminution in the sale of Admiralty charts since 1865. In that year 83,000 charts were sold; in 1866, 79,000; and in 1869, 75,000. Probably the mode in which they were disposed of accounted for this. There was only one channel for that purpose, and the general public had not proper facilities for purchasing them. The charts could only be obtained by the public from a single firm, in the City, to whom application had to be made from all parts of the kingdom. He presumed that a greater discount allowance was made to the firm and in which the country chart-sellers only partially participated; but, at any rate, the terms which the private chart-publishers offered were much more liberal and gave a direct inducement to the chart-sellers in the outports to offer private instead of Admiralty charts to their customers. No one who understood this subject would believe that any private chart was superior to the Admiralty chart. On the contrary, it was desirable that everything should be done to induce shipowners and ship captains to use the authorized charts, from which all others must be more or less taken. It would be well if some arrangement could be made by which outport chart-sellers could obtain charts direct from the Admiralty, and anyone sending to the Admiralty for a certain number of charts accompanied by a remittance should receive the same discount which was allowed by private publishers to retailers of private charts and by the Admiralty to the one firm entrusted with the monopoly of the disposal of their charts. He believed the late Hydrographer of the Admiralty initiated some such system, but it was allowed to drop. He (Mr. Graves) trusted that the subject would receive attention.

MR. T. BRASSEY said, he could testify to the extreme accuracy of the charts issued by the Admiralty, to their marvellous cheapness, and to the preference exhibited for them by ship captains and all skilled navigators. He had never experienced the slightest difficulty in procuring them at the smallest outport, for though they were not always kept in stock, they would be immediately obtained if ordered. No doubt other charts were offered unless the Admiralty charts were particularly inquired for. This indicated that there was something in the way of commission which made it more profitable to sell private charts. He might mention that some little difficulty arose from the use of various scales in the charts of the Admiralty.

Mr. CHILDERS said, there was no officer in whom the Admiralty placed more confidence than in the Hydrographer. He (Mr. Childers) remembered that when he was at the Admiralty five years ago the question of the best arrangements for the sale of charts. He was then disposed to take very much the same view of this matter as that expressed by the hon. Member for Liverpool (Mr. Graves). His opinion, however, did not prevail, and he was not aware that the subject had been discussed since. He would take advantage of this suggestion to have the subject examined, and if any practical advantage would result from a change it would probably be made.

Mr. GRAVES said, that perhaps one difficulty in the way of any alteration in the present system would be found in the circumstance that the Hydrographer's office was situated so high in the building.

Mr. CHILDERS said, there was nothing the Hydrographer would more regret than being brought to a lower level.

Mr. GOURLEY said, he would suggest the advisability of making a chart of the Suez Canal and adjoining coast.

Mr. Alderman LUSK said, he knew that the captains of merchant vessels had frequently found a difficulty in obtaining Government charts. He thought that if the object the Government had in view in publishing these charts was to be of advantage to the public they ought to insure their being placed within reach of those whom they were intended to benefit.

Vote *agreed to.*

(3.) £878,352, Dockyards and Naval Yards at Home and Abroad.

Mr. J. D. LEWIS said, he desired, as the representative of a Dockyard borough (devonport), to draw the attention of his right hon. Friend the First Lord of the Admiralty to some of the hardships which had been inflicted by the late discharge of workmen, and he ventured to bring the matter forward, because he felt convinced that, though it was the wish of the House that every possible economy should be practised, it was also their wish that no economy should be exercised that was opposed to justice or fairness. He was sure the First Lord of the Admiralty would re-echo that sentiment. But some statements had been made with reference to recent discharges from the dockyards, which he thought it right to bring under the attention of his right hon. Friend. His right hon. Friend would remember that he (Mr. J. D. Lewis) had, on a former occasion, inquired whether on a certain day a certain number of men had been discharged from Devonport Dockyard without having previously received any notice, and without receiving their pension papers—a practice which was contrary to all ordinary usage. His right hon. Friend, in reply, stated that he had, on inquiry, found that a certain number of men had been discharged, not without notice, but without their pension papers, and his right hon. Friend admitted that considerable irregularities had been committed in that respect. He had reason, however, to believe that his right hon. Friend had been misinformed, and that the real truth was that, on a message being received from the Admiralty complaining that the amount of wages for the week was in excess of what it ought to be, twenty-eight men, of whom thirteen were under notice and fifteen not under notice, were then and there discharged. Among the fifteen discharged in this irregular manner there was one who only wanted three days to complete a fresh year, and had he remained those few days he would have become entitled to a small addition to his pension. His hon. Friend the Member for Liverpool (Mr. Graves), in referring to the subject of dockyards last year, expressed his belief that the men working in the Government dockyards received less than they would in private yards, on the ground that by length of service they would become entitled to a pension; and that was no doubt true as to a portion—those who were called the established men. In the case of several of the men to whose discharge he was more particularly alluding, another two months was all that was necessary for them to have completed a fresh year of service, and thus to have gained a small addition to their pension. Several of the others had served for periods varying from twenty-seven years and eleven months to thirty-one years and eleven months. The injustice thus inflicted ought, in his opinion, to be brought to his right hon. Friend's notice; for no one, he believed, would regret more than his right Friend that any injustice should be inflicted by his subordinates, or that his instructions should be carried out in a manner which was unjust or unfair. He desired to say a word or two with regard to the established men, as they were called. It was possible that many hon. Members might have believed, as he did, until he became acquainted with the subject, that men were entered into the yard first as hired men, and that if they were efficient and conducted themselves properly they were subsequently placed on the establishment. But the fact was that there was a number of men who were never placed upon the establishment, but were cast adrift after any number of years' service with only a small gratuity. Repeated applications had been made to him by men who had served sixteen or even nineteen years, and had been discharged without any provision. That must be admitted to be a great hardship. But it did not stop there. The *Western Morning News*, a journal which supported the Ministry, stated that there were to be many men discharged who had lost an eye, a hand, or a finger in the service—and he mentioned these things to give his right hon. Friend an opportunity of denying them if they were unfounded. He did not know whether the country wished to be economical after this fashion; but if it did, it was desirable that it should know how these economies were carried out. It was true, the non-established men knew that they were to have no claim to pensions; but the equivalent was that they should work longer hours and receive higher wages. Latterly, however, both hours and wages had been reduced, so that their position was the same as the other men, without the claim which the others had to pension. Accordingly, they received no more than the establishment men, and became liable to be sent away without a sixpence in the world. It must be remembered that officers of superior grade, to induce them to retire, were having ten years added to their service, while humble workmen who were unable to speak for themselves were sent adrift at an hour's notice. Might not something in the way of *pro rata* allowance be given? If, for instance, a man had served eleven months only, he might be entitled to eleven-twelfth's of a year's pension, and so on throughout the lists. The men had further been deprived of a privilege which they used to enjoy on former occasions, that of a free conveyance back to the quarter from which they originally came. He was not complaining of the right hon. Gentleman's general action in reference to the reductions, which were meant undoubtedly for the public good. He admitted that the enormous difficulties which had presented themselves rendered it impossible for his right hon. Friend to attend to several matters of importance; but he hoped, now that his attention had been called to cases of hardship, he would give the parties some compensation. In cases of accident, such as the loss of an eye or a limb, he (Mr. Lewis) would suggest that a small gratuity should be given to the sufferer who met with the injury in the service of the Crown. And in cases where men had come from the North of England to the dockyards, he hoped his right hon. Friend would sanction the granting of railway passes to them. His right hon. Friend at the head of the Department had a kind and feeling heart. It was right that these things should be brought to his knowledge; and if he saw his way to an alleviation of the sufferings which had been caused, he did not think the country would throw difficulties in the way of its accomplishment.

MR. RODEN said, he objected both to pensions and dockyards. His right hon. Friend deserved credit for having reduced the number of men employed from 18,000 to 11,000; the only thing was that they had not gone far enough. He did not see why Government should build ships at all when they could buy them 25 per cent cheaper; and he hoped there would soon be an end of the absurd and ridiculous system of dockyards.

MR. FOTHERGILL said, he approved of the considerable economy effected; but, as a large employer of labour, he would venture to remind the Government of the maxim upon which private manufacturers acted—never to make anything which they were able to buy. Where the departments of business were multifarious superintendence was extremely difficult, and it was often desirable, in such circumstances, to purchase work. He had taken the trouble to go through some of the Government yards — he would not name them, as that might be invidious; and he must say that they were far from being properly conducted. The yard to which he particularly referred was not far distant from his own works. [*Laughter.*] Well, he believed they were all alike. Such skulking he had never seen anywhere else in his life. He knew how men in private yards would sometimes neglect their duties if they were not kept up to the mark; but such downright skulking he had never seen before. It was impossible to go behind a door or a wall without seeing four or five fellows doing nothing; they had harder work watching each other than they would have had at regular employment. The waste of material was also something astounding. He would mention one instance which he had noticed. Some workmen were preparing pieces of timber for a bowsprit. They put the pieces together and found they were from eight to ten feet too long. Three or four of the men then used the saw and cut off about ten feet. There was not much to blame in that, but there was in what followed. They cut the piece of ten feet into short lengths of a foot and cut them half through; but instead of making the plugs which seemed to be necessary to the completion of the bowsprit, they used the adze and reduced every atom of the timber that had been cut off into chips. He saw a large iron vessel building, about the width of that House. There were two or three boys and seven or eight men. There was a fire at one side where the rivets were made red-hot. The men quietly conversed, waiting for the rivets. A boy carried one across to the other side, but he walked so leisurely that before he got half-way the bolt was too cold to be used, and he returned with it to the fire to have it made red-hot again. This was repeated over and over again. He believed he saw the boy make at least ten journeys. The men took the matter very coolly, and continued in conversation all the time. His deliberate conviction was that Government dockyards were the very worst places that could be found for shipbuilding or any other manufacture, and he earnestly trusted that, if it were possible, shipbuilding would be put a stop to in those establishments, and that the operations there would be limited to repairs.

Mr. HOLMS said, he hoped that new arrangements might be made with reference to captain superintendents of dockyards which would have the effect of rendering those establishments more efficient.

Mr. CHILDERS said, he had already this Session very fully expressed what appeared to him the sound principles with respect to Government establishments. No one would think of having Government dockyards if we were always to be at peace. A Government dockyard, employing a large number of men, would, under such circumstances, be treated rather as a nuisance than a public benefit, Government as such not being good employers. But we had dockyards to be ready in time of war; and, having before him the experience of the United States in the late war, he should be very much indisposed to lay down the doctrine that it would be possible for the country to go on without dockyards altogether. Our policy, however, was to limit the manufacturing establishments to the greatest possible degree. We should manufacture nothing we could buy; where we could buy we ought to buy, and arrangements having now been made under which we could purchase so satisfactorily, we got the best market in every respect. Having laid down that general doctrine, he was sure the Committee would not press him to say more. During the last twelve months he had been exposed to every species of misrepresentation in consequence of his persistent reduction of these establishments, and had every kind of difficulty to encounter; but what he had effected, with the assistance of his Colleagues, had been done strictly on principle, and he assured the House that the same principle would continue to actuate them in future. With regard to the superintendence of dockyards, he stated the other day what his own views were. He believed the best course for the Government to take in respect to the management of establishments was to get the best managers they could. He would not lay down the doctrine that they must be naval officers; but he did not believe they would get a body of more competent managers if they excluded naval officers. What they wanted was to concentrate the management of dockyards, if possible, in a single man, and a certain amount of naval experience was wanted in every dockyard. How to carry out the principle was a matter of great difficulty. He entirely concurred in the view taken on this subject by his hon. Friend the Member for Lincoln (Mr. Seely), and that appointments should be made irrespective of questions of promotion in any particular rank. That was sound doctrine, and that was the view on which they intended in future to act. Great inconvenience would result if they were at the present time to abolish the offices of Admiral and Captain Superintendent. He now came to the questions relative to Devonport. His hon. Friend (Mr. J. D. Lewis) had spoken with great kindness of himself and his Colleagues; but with reference to the reductions which had been made, he stated that certain cases of hardship had occurred, and he asked them, as far as possible, to remedy them. There were two classes of men—established and hired men. To hired men they were under no obligation whatever. They were hired from week to week, and whenever Government thought fit to dispense with their services they could do so. If they had served for a certain time, they were entitled to a certain amount of gratuity, and he was not aware of any case in which that rule had not been applied. It was difficult to apply a rule in one case and not in another. If they had a rule, it should be maintained as a rule. The making of exceptions was very often not tenderness but weakness, and led to great inconvenience. If the rule was twenty years' service, it could not be applied at seventeen, or it would cease to be a rule altogether. His hon. Friend had suggested that the men should receive passes to their homes. Well, where the men had been engaged from a distance railway passes were, in many cases, given to them. But that was an indulgence which must be guarded. If railway passes were given in all cases, without reference to the understanding at the time of entry, considerable inconvenience would be incurred. Discretion had been left in the hands of the superintendent, who, no doubt, had exercised it properly. But the real complaint, he believed, was with regard to established men—that being entitled to pensions some of them were not treated with consideration. Now, he had before him all the instructions which were given with respect to Devonport—the yard named by his hon. Friend—and nothing could be more precise. The instructions were that a certain reduction should be made, but exceedingly gradual—not more than ten and at another not more than fifteen in a week. That reduction was to be effected by discharging all establishment men between sixty and fifty-nine; when they were exhausted, all establishment men who were incapable of doing a hard day's work under exposure whose age was over fifty-five were to be discharged. With individual exceptions that was the latitude given to the superintendent. The age of sixty used to be the common termination of a man's service; and they were to discharge, first of all, men between sixty and fifty-nine, going down gradually to fifty-five, but first taking men not equal to a full day's work. Those were the instructions, except that there was, of course, always power to discharge men of indifferent character. It would be found that when the rule had been at all relaxed, the Admiralty had been exceedingly careful in their inquiries; and in several cases papers had been sent back for further information as to the exact circumstances under which particular men were discharged. Where, leaving the officers on the spot, a certain amount of discretion, a particular rule had been departed from without sufficient cause, the Admiralty by no means accepted their decision offhand; the papers of men proposed to be discharged were sent back, requiring the superintendent to justify the reason given, and he (Mr. Childers) was not aware of any exception to which his hon. Friend alluded. His hon. Friend complained that the men had not received notice. All he could say was that after hearing some slight irregularity had occurred, he not only telegraphed for complete information, but he sent for the superintendent to come to London, and with the Controller of the Navy, examined him on the subject. Having ascertained that some slight irregularity had occurred, they were anxious to correct it and they did so, and he believed that on that point there was no grievance at present. He wished to say a word on the question of the discharge of a considerable number of men. It was difficult, if not impossible, for the Government to lay down the doctrine that, because they had been accustomed to employ a body of men, therefore those men should be continued in the service, though they were not required. What the Admiralty should do was to be perfectly plain and clear in their engagements, and to adhere faithfully to them; but, except in exceptional cases, they ought not out of a feeling of charity to deviate from the course of businesslike conduct, and incur a liability which did not properly belong to them. The conduct of the Admiralty had been governed by such considerations, although they had not, at the present time, arrived at a conclusion as to what should be the future establishment at the different dockyards, or how many men should be engaged in each on terms of superannuation, and how many should be simply hired; that point would be carefully considered in the course of the year; and he could assure the House that, seeing the difficulty which attended measures of retrenchment in this respect, the Admiralty would not be tempted to increase the number of established men beyond what the service absolutely required.

Mr. SAMUDA said, the most serious matter in connection with this Vote was that the right hon. Gentleman at the head of the Admiralty, instead of really carrying out the policy he had announced when moving the Estimates, was in fact making arrangements for continually increasing the annual amount of tonnage to be built. Not content with the 13,000 tons built last year, he proposed to undertake an additional 2,000 tons, and build 15,000 this year, and, what was still more serious, instead of confining himself within the limit of manufacturing only what was absolutely necessary, he was making preparations for building 20,000 tons of shipping annually for the next twenty years. Considering that the duration of these vessels would be ten-fold as great as the duration of vessels built in former years, the country must, under these circumstances, be prepared at the end of twenty years to have 500,000 tons of iron shipping on hand. What was the necessity for this when the right hon. Gentleman had shown that the country possessed a fleet adequate for its security? A few years ago, when our Navy was in a position of comparative weakness, measures for strengthening it were wise and proper. He (Mr. Samuda) then urged it strongly in the House, and was desirous, even, that it should become equal in strength to that of any three other maritime Powers; but great progress had been since made, and the right hon. Gentleman had himself stated that we possessed nearly twice the number of armour-protected guns in our Fleet compared with those in the French Navy, and if we were still somewhat under the strength that he (Mr. Samuda) desired, the degree of supremacy would be reached long before the end of the period contemplated by the right hon. Gentleman. The building of 20,000 tons of shipping a year was an extravagance which the House ought not to sanction. In the present position of affairs, there were many reasons why the programme for building should be regulated with a view to a uniform employment over many years—nothing could be worse or cause more misery than excessive building one year and giving out little or nothing the next. Neither was the First Lord of the Admiralty justified in setting himself up as an example of extraordinary economy for saving the wages of a few men, when he was calling on the country to build in the Admiralty dockyards ships which might be constructed more cheaply elsewhere. The right hon. Gentleman had shut up two dockyards on the ground of economy; but, although he had dismissed 1,000 or 2,000 men from Woolwich and Deptford, he had increased the number of men at Devonport and Keyham in the building operations from 5,800 to 6,300. The right hon. Gentleman was bent on that policy against the manifest injustice and unfairness of which he (Mr. Samuda) had protested, and should continue to protest—namely, drawing into the Government dockyards the whole shipbuilding power of the country. The only purposes of the Government dockyards should be to provide for shipbuilding in time of war, the repair of ships in time of peace, and the execution of such small amounts of wood shipbuilding work as the Government might require. Since his accession to Office the right hon.

Gentleman had not sent a single order to any of the great establishments on the Tyne, the Clyde, the Mersey, or the Thames. While we were giving the Government credit for economy, we must remember that an element of economy had sprung up independently of anything they had done. In past years it had been necessary to incur great expenses in keeping wooden ships in repair. It was now admitted that extensive maintenance of wooden vessels of war was a mistake, and the abandonment of it was the cause of nearly half the saving in the Estimates; but if an iron vessel were properly built, twenty years scarcely made any difference in it, and the repairing account was a mere fleabite compared with that of a wooden vessel, and our economy might be doubled by doing away with the repair of the useless vessels of the past.

Mr. WHITE said, he must express his opinion that the policy which had been announced by the First Lord of the Admiralty with reference to the maintenance of the dockyards, and the building of 20,000 tons of shipping annually, was not a satisfactory one. He thought it would be more statesmanlike to foster and develop the private yards, and to maintain the public dockyards simply for the purposes of repair and as places in which ships might be built in case of war. The right hon. Gentleman had pointed to the condition of America when the civil war began, but the analogy did not hold good; America did not build vessels for other countries as England did, and England would best prepare for any emergency by employing the private establishments which now existed on the Clyde, the Tyne, the Humber, the Mersey, and other rivers, and which, if necessary, could be placed at the disposal of the Government by Order in Council. It would, indeed, be better to have their shipbuilding resources scattered over different parts of the Empire rather than concentrated in one or two places which would be liable in time of war to attack on the part of the enemy. Such a policy would obviate the necessity of fortifying in many cases. He trusted the Board of Admiralty would consider whether it would not be wise to give up building vessels on their own account, and to depend entirely on the private resources so abundant in this country.

Sir JOHN HAY said, that the reason why dockyards were so essential in time of war was not so much for the repair of single ships, but that there might be space, and men, and everything else needed available for the repair of a large fleet. It would be very inconvenient if, after a successful or unsuccessful general action, it became necessary to distribute the ships along the coast instead of repairing them at one or two places, where they could again be got ready for action. In these days of iron-clad ships whichever side might win in a naval engagement would be sure to suffer severely, and the vessels would be unfit to keep the sea until they were repaired. A nation would therefore multiply its power if it had conveniences for refitting its ships quickly. Moreover, while wooden ships could be repaired by any men employed in the building of them, the only way of securing a staff of men to repair iron ships with rapidity was to train a certain number of persons to the work of building and repairing. It was for that reason, therefore, that it was desirable to continue to build iron ships in the dockyards, so that when the necessity arose they might have these trained persons to do the duties for which the dockyards were intended. With reference to what had fallen from the hon. Member for Hackney (Mr. Holms), he was glad to hear his right hon. Friend (Mr. Childers) say that he conceived it better on the whole that those naval establishments should be under naval officers, because it was necessary to maintain discipline. He concurred with him also in thinking that when they had got the right man for the place they should not discharge him at the end of a certain time. He would suggest that the appointment might be for a term of years, with power to renew the engagement at the end of the term. If they only looked at the dockyard as a building yard the question was an open one who was the best man to superintend it, and there was nothing more difficult than to find a person thoroughly competent for that duty. If, however, they could get a naval officer of great ability, who had also the welfare of the service at heart, he would undoubtedly be the best man for the service; and having once got such an officer, they should keep him as long as he did his duty well, irrespective of rank or of the other causes which were supposed at present to make it necessary to remove him. He had listened with great pleasure to the speech of the hon. Member for Merthyr (Mr. Fothergill); but he thought the singular story he told of the waste of labour and material in the dockyards tended to show that the master shipwright ought not to be the storekeeper, but that there ought to be a distinction between the officer who had charge of the stores and the officer who, in the exigencies of the service, had to demand them. By abolishing the division of inspection which used to prevail, they facilitated to some extent the operation which the hon. Member for Merthyr had so amusingly related to the House. Before coming to the Vote, he hoped his right hon. Friend would give them more information about the sale of Deptford Dockyard. [Mr. SAMUDA: And what it is to be used for?] He had taken an active part in the closing of that yard, and had always looked forward to the closing of Woolwich Yard also, although he did not think it had been done with sufficient prudence or care. He was glad to find that Deptford Yard had been disposed of, as he understood, to certain persons who were prepared to carry on some profitable industry in that locality, so as to afford employment to many people who, owing to the closing of the Government establishment, had been suffering very much during the winter. He had heard that the Government would receive about £100,000—£75,000 for the use of the yard, and £25,000 for the ground-rent. But he hoped his right hon. Friend would give them some authentic information on the matter.

MR. CANDLISH said, he was aware of the inconvenience of discussing a question of Imperial policy on a Vote in Supply, but as he thoroughly agreed in the principle laid down by the First Lord of the Admiralty and the Secretary to the Board, that the Government should never manufacture when they could buy, he would remind them that that principle must be carried further than it had yet been. The right hon. Gentleman said they could do without these dockyards altogether in time of peace, but that they were required in time of war. Now, it was well-known that our private establishments could produce 100,000 tons of iron ships of war within twelve months—and that without disturbance to the ordinary production of commercial vessels. The Government dockyards were quite incapable of turning out such a quantity, so that on an emergency the private yards would become the chief source of the supply, and the public establishments would become of less account to the country. But then it was said they should be maintained to do repairs. But surely if ships could be built in private yards they could be repaired there; and there was no port in this island that was now more than twenty or thirty hours' steam from the seat of government. He thought, therefore, the Government ought to revise the whole question from an Imperial point of view, and consider whether they ought to keep up these enormous establishments, at least to their present extent.

MR. LAIRD said, he could not agree with the hon. Member who had just sat down. If he were rightly informed in regard to the resources of private establishments, there were only two or three graving docks large enough to take in first-class ships of Her Majesty's Navy. Therefore, so far as repairs went, unless great additions were made to those private establishments, the repairs for the Navy could not be effected by them in time of war. Fault was found with the Government for closing some of the dockyards, and again for not doing more work in the private yards, which latter course would necessitate the doing less work in the public yards. Having sat on the Select Committee some years ago in reference to the Royal Dockyards, he had concurred in thinking that Deptford, Woolwich, and Pembroke Yards should be closed; and he was anxious that Sheerness Yard should be closed also. He felt that Chatham, Portsmouth, and Devonport Dockyards would afford ample means for conducting all the business the country was ever likely to carry on in the dockyards, both in repairing and building ships. He did not think that all Her Majesty's ships should be built by contract. He believed it was desirable to keep up the three yards he had named both for building and repairing purposes; but that it was likewise desirable that a portion of Her Majesty's Fleet should be built and repaired in private establishments. He was for keeping open dockyards as a check upon contractors, but in time of war the dockyards would not be sufficient. If the Government gave both building and repairs to private firms, this would lead to an increase in graving docks and in appliances in private yards which, with the dockyards, would put this country in a better position for fitting out fleets in a period of emergency than any other naval Power in the world.

MR. GRAVES said, he differed from the view expressed by the hon. Member for Sunderland (Mr. Candlish) as to the inconvenience of discussing questions of Imperial policy in Committee of Supply, as it was really the only opportunity afforded Members for criticizing an expenditure so closely identified with national policy. He would suggest that an evening should be devoted to the statement of the First Lord when bringing in the Navy Estimates, and that the general discussion on his statement should be taken on another evening. He thought the same course would be advisable in the case of the Army Estimates. It was impossible for any Member of the House to be prepared to discuss such a statement as that of his right hon. Friend (the First Lord of the Admiralty) the same evening as it was delivered, extending, as it did, over three hours and such a wide range of subjects. He should like to see Pembroke Dockyard closed, and only the yards at Chatham, Portsmouth, and Plymouth kept open. He hoped that the sum of £10,000, which appeared in the Estimates for new buildings, would not be expended on Pembroke Dockyard, because, owing to rock at sill of dock and from insufficiency of depth of water at entrance, it could not be made suitable to large vessels. He was prepared to share with the First Lord of the Admiralty any odium or unpopularity that might be created by the closing of some of the dockyards. Two years ago he advocated in this House the closing of Woolwich, Deptford, Sheerness, and Pembroke, and he thought that he and others who supported him in that view ought to take their share of any censure which a portion of the public might pronounce on the First Lord for closing dockyards; though, when he brought this question forward and advocated this most judicious economy, it met with but little support from either side of the House. He must, however, say that he thought this reform ought to have been accomplished less suddenly than it had been, and spread over a longer period of time. The men in the Government yards were working at lower wages than those given in private yards, in the expectation of steady employment, and with the hope of participating in the superannuation fund. He thought it a real grievance and hardship that men who had been twenty-nine years and ten months in the dockyards should be discharged without that amount of remuneration to which they would have been entitled had they completed thirty years' service. Private employers would not have acted as the Admiralty had done in this respect. The men were discharged against their will, and he considered that in whatever month they were required to leave, the broken part of the year should not be deducted from their service but should be counted as a whole year in awarding their superannuation. He was sure his right hon. Friend at the head of the Admiralty must feel sympathy for the workmen, and he believed he (Mr. Childers) would be supported by the public if he gave those men their full superannuation. Economy was desirable and necessary, but the country did not want injustice.

MR. MUNDELLA said, he gave credit to the hon. Member for Liverpool (Mr. Graves) for his willingness to take a share of the responsibility which rested on the Admiralty, but was of opinion that a great deal of political capital had been made out of the course which had been pursued by the Board. He hoped his right hon. Friend the First Lord would persevere in the course he had entered upon, and carry out even more rigorously his reforms in the dockyards. He believed that it was in the interest of the working men generally that these men had been discharged, and if it was thought necessary to keep them out of charity, it would be better to pay them 4*s.* 6*d.* a day for doing nothing, and give them an allowance of tobacco into the bargain, than employ them at wasting timber in building and repairing ships which would be of no use. He trusted the right hon. Gentleman would continue in the course which he had begun, and try what could be done by means of contracts open to the whole country.

MR. MONK said, that while the dockyards at home were being closed there was a considerable increase in our establishments abroad. He wished for an explanation of the Vote of £600 for a "Naval and Victualling Storekeeper and

Accountant" at the Cape of Good Hope. This was a new item.

Mr. Alderman LUSK said, it was all very well for a private yard to contract to build a ship, but it was no light matter to put a ship into a private yard for repairs, and it would never do to send vessels of the Royal Navy there. No ship of his should ever enter such a place for repairs if he could help it, for you knew how a ship went in, but you did not know how it would come out, nor what the expense would be. It was necessary for the Admiralty to go on building ships, in order to keep abreast of the the times. It was true that an iron ship might last twenty years without much repair, but an iron ship twenty years old would most likely be obsolete. It was, therefore, necessary to keep up some of the Royal dockyards, and to keep men at work there; but they should be as cheaply managed as possible. If we thought wars were to cease we might then give up the dockyards.

Mr. CHILDERS said, that Deptford Dockyard consisted of three portions, of which the store yard had been preserved, while the other two had been sold for the satisfactory price of about £100,000. He thanked the hon. Member for Liverpool (Mr. Graves) for his willingness to incur a share of any unpopularity arising from the closing of Woolwich Dockyard. So far from acting with any harshness to the men employed in that yard, the greatest possible tenderness had been shown to them. Many of them had been transferred to another dockyard. Very few men had been discharged without some kind of advantage to themselves, and the notice given was very sufficient. With regard to the complaint of the hon. Member for Devonport (Mr. J. D. Lewis) that certain men had been inconsiderately discharged within a month or so of the time when they would have received their pensions, he would make inquiry into the matter. The order sent down was to discharge the men according to their age and not specially with respect to the amount of their pensions. In answer to the hon. Member for Gloucester (Mr. Monk) he might state that the foreign yards had gone on under very little control, and a better system was about to be adopted. A storekeeper had been appointed at the Cape of Good Hope Dockyard, but he would take the place of two officers who, together, received a higher salary.

Sir JOHN HAY said, he wished to call attention to the new class of ships about to be built. When the design of the *Inconstant* of 4,000 tons burden was determined upon, the object was to have very great speed with a considerable armament, and to rival some vessels then being built in foreign countries. After these vessels had been built, however, it was found that they did not possess the speed or other advantages which had been expected. He had always contended that it was a disadvantage to spend so much money upon so large an unarmoured ship if small ones could be got to carry the guns; but it was only fair to state that on this subject he differed from his right hon. Friend the Member for Droitwich (Sir John Pakington), while he agreed with his right hon. Friend the Member for Tyrone (Mr. Corry). It was much better to build corvettes like the *Volage*, of 2,500 tons, than frigates like the *Inconstant*. They had all the speed of the frigates of 4,000 tons, and it was much better to have three of the smaller class than two of the larger, because such a force being more capable of being divided, was more flexible and more available to the service. He thought that while they were building unarmoured vessels it was much better to repeat the smaller vessels, which cost so much less and had a much lighter draught of water.

Mr. GRAVES said, it was usual to raise questions of this kind on Vote 10, when the Committee were dealing with materials.

Mr. LAIRD said, that this had always been the practice of the House.

Mr. CHILDERS said, he should be happy to discuss the question either now or later. As to the particular ships to be built this year he had come to the conclusion that it was not desirable altogether to limit themselves to corvettes like the *Volage*, but that it was better to have some vessels of the frigate class. The *Inconstant*, moreover, had been to sea, and they knew what she could do, while the corvettes had still to be tried.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

ANNUITY TAX ABOLITION (EDINBURGH AND MONTROSE, &c.) ACT (1860) AMENDMENT BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE, in asking leave to introduce a Bill to amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity Tax in Edinburgh and Montrose, and to make provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make provision for the Patronage of the Church of North Leith," said: Sir, I do not, at this period of the evening, intend to detain the House for more than a few minutes. I have stated at great length the other day the views generally which I entertain upon this subject, and I shall state the import of the Bill which I then announced in a very few sentences. The great object is to effect a settlement of the question in regard to the fund for providing for the payment of the ministers of the parishes of the city, which may be satisfactory to the Churches of Edinburgh on the one hand, and fair and equitable to the citizens of Edinburgh on the other. At this moment it stands upon this footing —that under the Act of 1860 the Magistrates and Town Council, as representing the community, are the debtors in a perpetual bond of annuity for £4,200, payable to a body called the Edinburgh Ecclesiastical Commissioners, instituted by the Act for the purposes of paying their debt and the stipends of the clergy. That is not the only fund provided for the payment of these stipends, there being £2,000 payable to the Commissioners by the Docks and Harbour Board of Leith; and there is also paid to them the produce of the pew-rents. But so far as the Magistrates are concerned, with the exception of these pew-rents, the contribution consists of the sum of £4,200 a year, payable in the form of an annuity; and the chief end and object of the Bill which I now ask leave to introduce is to provide that this perpetual bond of annuity shall be redeemable upon payment of a sum which I propose shall be fixed at £60,000. That is to be paid to the Ecclesiastical Commissioners; and that payment being made, and the receipt thereof being duly recorded in the register, the bond shall be held to be discharged—so that as soon as this takes place there will be a settlement between the parochial clergy and Town Council, and there will be no money transactions between them in future. But it is necessary to make some provisions with a view to enable the Magistrates and Town Council to raise the money necessary for that purpose. I understand that at present there is in hand, the produce of the power of assessment given to them by the Act of 1860—a sum of £15,000 or £16,000; but it is not my purpose to give them borrowing power beyond what may be necessary to enable them to complete the sum of £60,000 which the Bill provides for, and I therefore propose by the Bill to give them borrowing power to the extent of £45,000; but if it should be found upon inquiry that either, on the one hand, they require more, or, on the other, they require less, the amount may be taken. They have, at present, under the Act of 1860, upon which the settlement to the matter stands, a power of increased assessment to the extent of 3*d.* in the pound. I propose that this power should be continued for the period of ten years; but with this proviso, that they shall, out of the produce of that assessment, accumulate annually a sum—I suggest, but, of course, that is subject to modification, of not less than £3,000 a year—in order to pay off the debt contracted by the borrowing power under the statute. By availing themselves of the provisions of the Act, they will save the difference between £4,200 and the interest on the £60,000, or about £1,800 a year. At this moment the parish of Canongate, which is really a part of Edinburgh, stands upon a different footing in regard to ecclesiastical arrangements from the rest of the city. The provision for religion in that parish is an assessment imposed on the inhabitants—I forget at what rate, but I believe 1*d.* in the pound, producing £250 a year. It is proposed by this Bill to abolish that assessment altogether, and to put the ministers of Canongate on the same footing as the other ministers of the city. At present the church-door collections are entirely devoted to extraordinary charitable purposes; but, following a provision in the Bill submitted to this House by my hon. Friend the Member for Edinburgh, I propose to give half the produce of these collections to the Ecclesiastical Commissioners. With regard to the patronage of the churches within the city, the patronage is at presented vested in the Magistrates and Town Council; but I propose also availing myself of a clause, which deals with this subject in the Bill of the hon. Member for Edinburgh, to transfer the patronage from the Magistrates and Town Council to the kirk-sessions of the several churches. These are the provisions of the Bill which I now wish to introduce; and I hope, having some reason to believe that the Bill will be satisfactory to the Church, that it will effect a settlement of this long-vexed question.

Motion *agreed to.*

Bill to amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity Tax in Edinburgh and Montrose, and to make provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make provision for the Patronage of the Church of North Leith," *ordered* to be brought in by The LORD ADVOCATE, Mr. Secretary BRUCE, and Mr. ADAM.

Bill *presented*, and read the first time. [Bill 62.]

MUTINY BILL.

On Motion of Mr. DODSON, Bill for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, *ordered* to be brought in by Mr. DODSON, Mr. Secretary CARDWELL, and The JUDGE ADVOCATE.

DUBLIN COLLECTOR-GENERAL OF RATES FRANCHISE BILL.

On Motion of Mr. MONK, Bill to enable the Officers employed in the Collector-General of Rates' Office in the city of Dublin to vote at Parliamentary Elections for that city, *ordered* to be brought in by Mr. MONK, Sir PATRICK O'BRIEN, Mr. PIM, and Sir JOHN GRAY.

Bill *presented*, and read the first time. [Bill 61.]

INCOME TAX ASSESSMENT AND INLAND REVENUE LAW AMENDMENT BILL.

On Motion of Mr. STANSFELD, Bill to make provision for the assessment of Income Tax, and to amend the Law relating to Inland Revenue, *ordered* to be brought in by Mr. STANSFELD and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 63.]

COUNTY CORONERS (IRELAND) BILL.

On Motion of Mr. VANCE, Bill to amend the Law relating to the appointment, duties, and payment of County Coroners, and expenses of Inquests in Ireland, *ordered* to be brought in by Mr. VANCE and Mr. CALLAN.

Bill *presented*, and read the first time. [Bill 64.]

House adjourned at a quarter before One o'clock till Monday next.

The Lord Advocate

HOUSE OF LORDS,

Monday, 7th March, 1870.

MINUTES.]—PUBLIC BILL—*Third Reading*—Dissolved Districts and Unions* (27), and *passed.*

CRIMES AND OUTRAGES (IRELAND).

NOTICE.

THE MARQUESS OF CLANRICARDE thought that, after the announcement by the First Minister of the Crown that he would be prepared to state the intentions of the Government respecting the political and social condition of Ireland, there was no reason for not proceeding with his own Motion on the subject at the earliest opportunity. He did not, however, think it would be convenient to their Lordships that he should name an earlier day than Friday, as it was necessary his Notice should be sufficiently long to enable a number of Peers to attend and give expression of their views on this most important subject. He regretted delay, caused as it was by the debate upon the Land Tenure Bill, for it might create an impression among the public that the consideration of crime in Ireland had connection with the land question. Now, with the former it was absolutely necessary to deal, whatever might be the case with the latter. It ought to be clearly understood that the first and imperative duty of the Government was to make Ireland a country fit for a civilized community, and he should be sorry, therefore, if it were supposed that the subjects were in any way connected.

NEW ZEALAND—WITHDRAWAL OF TROOPS.—QUESTION.

ADDRESS FOR CORRESPONDENCE.

THE EARL OF CARNARVON, who had given notice to inquire of the Setary of State for the Colonies, Whether Her Majesty's Government will consent upon any conditions to delay the departure of the 18th Regiment now in New Zealand, but under orders to sail; and to move for any correspondence on the subject, said: My Lords, it was remarked the other night, and I think with great force, that it was much to be deprecated that colonial questions should be brought before your Lordships' attention over and over again, and be made the subject of party discussion without imperative necessity. Now, I feel very deeply the serious importance of the matter to which I ask your Lordships' attention; but, at the same time, I can assure the noble Earl the Secretary for the Colonies that I am acting not only with a total absence of party feeling, but with the most earnest hope that even now, at the eleventh hour, it may be in my power to induce the noble Earl and Her Majesty's Government to pause and think twice before they commit themselves and the country to what I regard as a most unfortunate policy. As I do not desire to go into past debates and recriminations, or to quote largely from blue books and Parliamentary Papers, I wish to clear the way of everything which is not absolutely essential to the consideration of the subject. In the first place, I agreed in many, if not all, the points of policy which were laid down by my predecessor in Office, Mr. Cardwell. I agreed with him in the necessity of the reduction of the troops in New Zealand; I agreed in the propriety of the Colony paying a considerable portion, at all events, of the troops which were retained there; I agreed in the vital necessity of the Crown exercising control over those troops; I urged as strongly as he did the wrong and impolicy of scattering those troops in different parts of the Colony, and I declared that, as long as they remained, they should remain as the garrisons of certain large towns: lastly, I took every precaution in my power to prevent those troops being made at any time, or under any circumstances, the agents of a colonial policy which the Imperial Government could not thoroughly approve. Moreover, I agree also in much that Mr. Cardwell thought, and that the noble Earl opposite thinks, with regard to the conduct of the colonists. I think it has been, in many respects, unfortunate and unwise. They asked some years ago, for the control and management of Native affairs. Now, I entertain a strong opinion that that management should not have been given up to them. I think we were pledged in such a way that it was wrong towards the Crown to surrender that control to the colonial Legislature. The step was, however, taken; and I admit that when it was taken the colonists failed to provide those means of internal self-defence which followed, as a natural consequence, the acceptance of the management of Native affairs. More than that—I deprecated, as did Mr. Cardwell, and, I think, also my successor, the Duke of Buckingham, the confiscation policy which the colonial Legislature thought proper to adopt, and which, though not approved by us, was carried into effect. Just before I left Office I offered to the Colony terms on which they might have kept the 18th Regiment — terms which I deemed fair and reasonable—and the answer I received was not the plain and straightforward one which any Minister of the Crown had a right to expect, but a series of what I may call "fishing" questions, in order to ascertain how much more they could obtain. Now, I say frankly, that the colonial Government of that day pursued an unfortunate course, and I do not defend them in those respects. But, as I understand it, the case is now totally altered. The colonists themselves are the first to acknowledge the error which they committed. They recognize the difficulties in which they are placed, and are ready to do all they can to extricate themselves. Whether those difficulties have been entirely due to the colonists, or whether partly to the Home Government I am not prepared to say; but I deliberately say that this country and the Government of this country are to a certain extent responsible for the course which has been pursued in New Zealand and for the state of affairs which now exists. I say further that it is not the part of England to stand entirely and indifferently by when a great Colony is involved in such disasters and dangers as those in which New Zealand is involved; and that, however wise and right your policy may be on paper, you cannot administer the affairs of a great Empire upon a mere cut-and-dried rule, worthy rather of a pedant than of a great Minister of this country. I agree, also, I may say lastly, in great measure in the course of action which has been pursued. When I succeeded to the Colonial Office, I found that certain orders for the withdrawal of troops had been rigidly laid down by Mr. Cardwell. I insisted upon those orders being carried out. That they were not completely carried out was due simply to my resignation; but had I remained in Office I should have insisted upon their being completely carried out;

even the departure of the 18th Regiment. Perhaps the noble Earl (Earl Granville) may ask why, then, I urge so strongly the detention of that regiment? I do so simply on the ground that the whole set of circumstances has changed since Mr. Cardwell issued those orders, and since I left Office. Great difficulties, great dangers, great disasters have fallen on the Colony. What was the answer of the noble Earl when, in the early part of the year, he was earnestly entreated to allow that regiment to remain? He wrote a despatch, which I do not wish to criticize more than is absolutely necessary for my argument, but I have always regretted it, and still more so the tone in which it was written. It arose on this wise—On the 5th of February of last year Mr. Fitzherbert, who was appointed by the colonial Government to negotiate with Her Majesty's Government in England on New Zealand questions, wrote to the noble Earl, urging strongly that a loan might be guaranteed. On the 26th the noble Earl referred it to the Treasury; and the reference was, I must say, in a somewhat unusual form. There was no statement of the facts of the case, nor even any opinion by the noble Earl, and I ask those of your Lordships who know what public business is, whether for an application for money to be sent by the Colonial Secretary to the Treasury without one word of commendation — without even one word intimating his opinion of the fitness or unfitness of acceding to it—is either fair to the Colony or likely to produce any consideration of the matter at all? The result was that there came back as bare a refusal as there had been a reference. The noble Earl then wrote a despatch, in which he summed up, first of all, the circumstances under which the Colony had acted, and pursued the argument until he wound it up in these terms—

> "If this statement is correct it follows that the Imperial Government have not transferred to that of the Colony any obligation whatever, except that imposed on all of us by natural justice, not to appropriate the property of others; that all the Imperial expenditure on the Colony has been for the benefit of the colonists, and a great part of it may be viewed as the price paid by this country for the territories which have been recently, and, as I think unwisely, appropriated by them; and, lastly, that no part of the colonial expenditure has been in any degree for the benefit of the mother country. So far, therefore, as there is any equitable claim remaining unsettled, it is not a claim on the part of New Zealand against Great Britain, but the reverse; a claim, a very heavy claim, if we thought proper to urge it, on the part of the mother country against the Colony."

Now, I will not ask how far this is all true; but I ask your Lordships to consider what must have been the feelings of the colonists, smarting under the loss of life and under severe injury to property, seeing whole districts ravaged, seeing relatives shot down, and some murdered under the most exasperating circumstances—what must have been their feelings on reading this paragraph? It could, I am satisfied, do no good, but, on the contrary, must have created the deepest irritation. Fresh disasters ensued—disasters of the gravest character, threatening almost the existence of the Colony, and in their extremity the colonial Legislature passed an Act agreeing to send Commissioners to negotiate on any terms with Her Majesty's Government, and, if possible, to secure the detention of the 18th Regiment for some short time longer. So urgent was the case that the Governor, at the request of the Assembly, telegraphed the substance of it home. Subsequently the Act itself arrived, and the noble Earl wrote a despatch which, though it has not been laid before Parliament, must be deemed public property, inasmuch as it has appeared in all the newspapers. The first part of it was taken up with establishing a sort of contradiction between the intentions of the Colony as expressed in their Acts and debates, and as expressed in their despatches. I pass that by with the remark that I cannot see the whole force of the contradiction. It then proceeded to argue against the detention of the troops, and to censure the confiscation of land policy. This was most true as far as the local Governments had been concerned, but was hardly applicable to the present Government, which, as I believe, has honestly exerted itself to put matters on a fair footing. The noble Earl then proceeded in a very singular paragraph to speak of certain remedies which he thought might be adopted—recommendations in fact which he gave, though they were couched in a somewhat indirect form. The noble Earl said two things were indispensable—one, the abandonment of the confiscated land occupied by settlers; the other, the recognition of the Maori authorities. He wound up by a peremptory order for the recall of the troops, saying that under no circumstances could they be allowed to remain, and, as if pounds shillings and pence were really at the bottom of the matter, and the whole mainspring of action which guided the Government, he added that if these orders were peremptorily executed the Government would not exercise the powers vested in them by charging against the Colony the cost of the delay that had been incurred. Now, I venture to say that this sort of policy is unworthy of a great country. If you mean to recall the troops, put it at least upon some ground of Imperial necessity; but to say that you will abstain from charging the trumpery cost of a few weeks' delay on the Colony, seems to me as miserable a policy as can be embodied in any Secretary of State's despatch. I am quite willing to make the noble Earl a present of all the facts which he has urged, and to admit that he was quite accurate; but I wish sometimes that he was not so accurate and logical if he would only be a little more sympathetic. The noble Earl treats the colonists to the coldest possible logic; but that is not the way to deal with these great Colonies, and any Minister who reckons upon public approval in adopting such a tone will find that he has grievously miscalculated. The noble Earl may have been right in his facts, but he was entirely wrong in one at least of his recommendations. His counsel to the Colony to recognize the Maori authority is singularly ill-advised. I am at a loss to know what the recognition of the Maori authority can mean. I have endeavoured to trace it, and as far as I can make out the first mention of it occurs in a confidential despatch of Sir George Bowen's, which, being confidential, his Ministers had never seen, and expressing therefore his own opinion alone. It winds up by suggesting three different courses, and the third is a peaceful arrangement not inconsistent with the suzerainty of the Queen with the chosen Chief of the Maories. That was acknowledged and answered by the noble Earl some time afterwards. He alludes to these views, and, in fact, accepts this view as a desirable one. He puts it in the following words, which carry it altogether a step further than Sir George Bowen's despatch: —"These proposals may be stated. . . . . 3rd., Some general arrangement, having for its object the modified recognition of the Maori King." Now, I ask again, what is the meaning of "a modified recognition of the Maori King?" I am totally at a loss to imagine. Can the local Government of a Colony, or can even a Secretary of State, recognize the authority of another Sovereign? Nobody will deny that the Queen is the Sovereign of New Zealand. She by her sovereignty and by Act of Parliament ceded it no doubt, under certain conditions, to a colonial Government and Legislature; and as that was done by Act of Parliament so it is impossible to deny that no fresh cession of territory, such as is implied in these words, can occur without the same machinery by which the island was originally ceded. If in order to come to an arrangement with the Maori King it be necessary to cede territory to him, you cannot do so, I should imagine, except by Act of Parliament. The recognition of the Maori Soverign must mean either something within the limits of the Constitution Act or something beyond it. If the former, my answer is that it has been tried already and has failed. Some time since proposals were made to the Maori King by the colonial authorities; but what was his answer? Simply this —"I am ready to come to terms with you, but on one condition — that the Queen renounces her sovereignity over the district where I exercise authority." Now, I suppose you are not ready to accept that. If the recognition must be the recognition of an independent Power —and I venture to say with great submission, in the presence of noble and learned Lords, that the recognition by a colonial Legislature of an independent Power is something totally new and unheard of—what would you say if the colonial Legislature applied to some foreign Power to assist them in some time of difficulty? Would you hold that they were free to make a treaty or arrangement with some foreign Power? And yet if the Maori King be independent and you advise the colonists to negotiate with him, I cannot see on what ground you could refuse to allow the Colony to negotiate with some foreign Power also. Moreover, that policy is a most dangerous one. It is true the last accounts from New Zealand were of a much more satisfactory character; but there are other tribes besides the Maories referred to unbroken by war, and containing a large number of fighting men, who at all events will refuse to place themselves under the authority of this independent King whom you are willing to recognize. What, then, will be the consequence? Why, that every single tribe or collection of tribes in the island must each be recognized as independent. The noble Earl (Earl Granville) indeed, if I remember right, has declared in his correspondence with some of the colonists in England, that he never intended to place these tribes under the authority of the Maori King. But the reply is that there is no middle course, and that if one party is to be independent the others must be so also. Depend upon it, you open up by this entirely new policy dangers and difficulties of a very serious kind. There are further dangers to be considered. This despatch, unfortunate as I regard it, has reached the Colony. We do not know how it has been received, but it will no doubt be translated into Maori, circulated, read, and commented upon, and its recommendations greatly exaggerated. Two or three inferences will not unreasonably be drawn from it. It will be said that the Queen recognizes the independence of the Maori King, that she disapproves the colonists and their conduct, and that she urges the restitution of all the confiscated lands. Now, if these inferences are drawn — and any impartial man will certainly draw them—what will be the effect on the colonists? It is true the last advices have been satisfactory; there is great hope that the present difficulty may pass, and with a few years of peace it may be hoped that the two races may form friendly relations. If so, I should be willing to admit that the policy of the noble Earl was practically successful; but even if successful it would not justify the great risk which has to be run, and the serious danger to which you would expose yourselves and the Colony. There appeared ten days ago in *The Times* a very interesting letter, in which the Correspondent wrote entirely in the sense of the noble Earl's remarks and described how matters were gradually improving, so that it was hoped matters were on the point of being settled. He wound up, however, with this significant sentence—

> "It might be supposed that, with the changed aspect of Native affairs, the peremptory orders for the immediate removal of the 18th Regiment would be viewed with comparative indifference by the Colony; but this is not the case. Those best acquainted with the Native mind believe that it is more than ever desirable at this juncture to maintain the idea that in case of rebellion the power of England, which the presence of an Imperial garrison, however small, represents, would be exerted on behalf of the colonists. . . . The fatal error of the late colonial Administration was the neglect to create a sufficient colonial force to replace the Imperial troops. The action of the Imperial Government in removing the 18th Regiment at this crisis will place the present Ministry in exactly the same position, against their will, as their predecessors have been censured for assuming."

That states the case as fairly as is possible in a few words. What, then, is the proposal, or rather entreaty, which I have to make? It is really a very small one. It is to consent to the detention of this one regiment, about 600 strong, for a limited time—say about two years—upon any terms and conditions that the Government may think fit to impose. Now, can anyone say that is an unreasonable request? Is it one to which the Imperial Government ought to turn a deaf ear? Is it one which the country would not heartily and gladly accept? Remember, you have had in New Zealand a change of Government. Now, I admit all that has been said in censure of previous colonial Administrations; but the present Government are honestly doing their best to re-organize their means of defence. They have also passed a most remarkable Act as an earnest of their intentions. It empowers two Commissioners to proceed to England and make any terms they please with Her Majesty's Government; it imposes no fetter or restriction upon them, but endorses by anticipation every step they may take in this country with a view to the detention of these troops. They are authorized to accept any conditions, to pay any sum; and, in order to show further how completely in earnest they are, they appropriate at once £70,000 per annum for the next three years to the maintenance of an adequate colonial force over and above the Imperial force. It is impossible, then to say that the colonial authorities are not thoroughly in earnest in discharging their duty and obligations, and what we press on the Government is of the most trifling proportions. I am at a loss to understand what objections they can raise. If the objections are made for the good of the Colony—a view on which the noble Earl enlarges in his despatch—my answer is that arguments in such a case are thrown away. The colonists will say, and not unreasonably, that they are the best judges of what is for their good. If the objections are for the good of this country, or for Imperial interests, of which the Government are more or less trustees, I do not think they can be sustained, for this detention of the troops will in no degree interfere with the policy of the Government. It need not—for they can impose their own terms — cost them a shilling, and £20,000 or £30,000 is the very outside of the cost. While the troops remain, moreover, they will be subject to the control of the Crown—so that there is no question of divided authority or responsibility — and when they leave they will leave not by being recalled by any Minister of this country, but by virtue of this Act by which the Government are bound; thereby obviating any possible misconception or misunderstanding and any anger or irritation at the moment of leaving. Mark, on the other hand, what the point-blank refusal of such terms as these must do. It exposes the Colony to risks which are still considerable. It creates an amount of irritation which can only deepen as time goes on, and which no subsequent policy or acts of the Government will efface. Now, have we too many friends at this moment in the world to be able to throw away the attachment of New Zealand? Heavily pressed as we are in the race of international competition, are our fortunes so well assured that we can afford to throw away the affection, the loyalty, and the warm feeling of the colonists as if they were merely so much idle lumber? I do not want to characterize the course of policy which has been adopted. I will rather turn to the words of one who must be accepted as a perfectly impartial authority—

> "I told them (the New Zealand colonists) that they might be assured of the protection of the Crown, and by the Treaty of Waitangi the Queen assumed the sovereignty of New Zealand. It was not, therefore, by chance, or without incurring obligations on the part of the Crown, that New Zealand was added to the British dominions. . . . A faint-hearted Government may break these pledges and depart from this policy. But from the day when they do so the decline and fall of the British Empire may be dated. . . . During my tenure of the Colonial Office a gentleman attached to the French Government called upon me. He asked me how much of Australia was claimed as the dominion of Great Britain. I answered the 'whole,' and with that answer he went away. . . . The Minister who tries to weaken the attachment of our North American Provinces (read our Colonies generally) will be sure to rouse the grievous indignation of the people of England and will be punished, if not by impeachment, at all events by eternal infamy."

These are not my words. I am not the person who has heaped these burning coals on the head of the noble Earl. It is no bigoted Tory — it is no political opponent who uses these words. It is a man who has grown old in Office, who has received all the honours which the State can heap on him, who has filled almost every high office in turn. It is a statesman who has been intrusted with political responsibility, and who certainly has been during the lifetime of a whole generation firmly attached to the Liberal party, and whose name will be associated with that party in history. It is from the mouth of Earl Russell that the colonial policy of Her Majesty's Government in this respect must be judged.

Moved, "That an humble address be presented to Her Majesty for copy of Correspondence respecting the recall of the 18th Regiment of the Line from New Zealand." — (*The Earl of Carnarvon.)*

EARL GRANVILLE: My Lords, before answering the Question which the noble Earl has not put, allow me to say one word with regard to the somewhat altered and renovated appearance of the front bench opposite me. It would be perfectly unjustifiable for me to allude to rumours which have now become historical; still less would it become me, on the present occasion to make any observation on the qualifications of the various candidates, willing or unwilling, for the Leadership of the Conservative party in this House. I am sure, however, the noble Duke (the Duke of Richmond) will not think it impertinent in me if I congratulate him on the public spirit which he has shown in undertaking duties of a very important and responsible character, on the discharge of which depends much of the future influence and authority of this House. I expect from him no quarter with regard to party matters; but I am equally certain that, in our communications with him as the representative of the party opposite, we shall always find the same courtesy, good temper, and straightforwardness which have characterized him for so many years, either when engaged in the business of your Lordships' House or in performing official duties elsewhere. I am not quite sure that he is without the danger of a rival. Lord Grenville used to say that the man would always lead the Opposition who showed the most sport. Now, the noble Earl sitting next him (the Earl of Carnarvon) is a sportsman of the keenest description in that way, and I am quite rejoiced to see how he derives invigorated strength from renewed contact with the front bench—very much as Antæus used to do from contact with his mother earth. I was glad to hear that the noble Earl thinks it undesirable to discuss these colonial questions over and over again, for I certainly had not inferred such an opinion from the noble Earl's own conduct. I remember that, three years ago, he made a most interesting speech on New Zealand, in the face of the positive protest of his late Colleague and successor at the Colonial Office (the Duke of Buckingham), who stated that it was against the public service that a discussion should take place on that subject at that time. In that speech he gave a brief and clear account of the position of New Zealand. He showed how Sir John Pakington's Act had substantially taken away the power of the Crown with regard to Native affairs, how that state of things became intolerable, how the Duke of Newcastle tried to remedy it by legislaton, and how, at last, when Sir George Grey handed over the power, nominally as well as substantially, to the colonial Government, it was sanctioned by the Duke of Newcastle, who, in a very interesting and important speech, declined to retain the responsibility without the power, and described the future policy of this country in the matter. The noble Earl then proceeded to criticize Mr. Cardwell's policy of taking away a portion of the troops, but allowing them to retain another portion—one regiment—if they agreed to contribute a certain sum towards the management of Native affairs. The noble Earl said then, as he says now, that he adopted that policy, and on that occasion he described how he was thwarted in carrying it out. He complained that he could not get the assent of the Colony as to the regiment he wished to remain, and was not able to withdraw another regiment. He was succeeded by the Duke of Buckingham, who seems to have written much less than his predecessor, but to have done more. Among other feats, he brought back the Governor whom the noble Earl could not get to obey him. [The Earl of CARNARVON: No, no!] At any rate, Sir George Grey complained bitterly of the insult put upon him by his recall. Another matter to which the noble Earl did not allude to-night was the difficulty with the Governor, which had obliged him to take the very important step, whether right or wrong, of withdrawing the troops from the authority of the civil power. The Duke of Buckingham, whose absence I regret, as I should have expected from him considerable support, brought away the Governor, and succeeded in drawing away troops; and, having got a refusal from the Colony with regard to one regiment which the noble Earl wished to leave, he showed, as I think, very good judgment and considerable moral courage—although disturbances had already broken out, and notwithstanding protests from the two branches of the Legislature against the removal of the troops—by giving before he went out of Office additional orders for the withdrawal. Those orders he justified on two grounds—the first on the past military history of the Colony; the other on his complete confidence, seeing the enormous numerical superiority of the English settlers as compared with the number of the Natives, aided as the Europeans would be by the friendly Natives, that there could be but one issue. Such was the state of affairs when I came into Office; and my first act, thinking it would not be fair to allow the colonists to believe that the change of Government would entail any change of policy, was to repeat the order which the Duke of Buckingham had given. It is for adhering to that order, identical with the Duke of Buckingham's, that I have been subjected, under somewhat varying circumstances, to a considerable amount of attack, and to all the criticisms of the noble Earl this evening. True, we received news of the most melancholy character — outrages which made the blood run cold, and which excited in this country the deepest sympathy; but, horrible as these things were, we did not think they in themselves constituted sufficient cause for a change of the policy adopted in principle by two successive Governments. I remember, last spring, that a most important deputation of persons connected with New Zealand called on me, in order to persuade me to keep the troops—some of them insisted strongly that they only wanted the troops there three or four months longer, in order to give them time to make the necessary arrangements—but I then asked them whether they could see any reason for believing that at the end of three, six, nine months—twelve months have now elapsed—some similar plea for their detention would not be found. The noble Earl has objected to certain things which I have done and to certain things which I have not done. Amongst other things he has brought up the question of the politeness of my despatches. He read a considerable portion of them; but I could not by the countenances of your Lordships ascertain which sentences were those which touched your Lordships as so particularly rude and unsympathetic. I have some doubt whether the noble Earl himself is in a position to criticize me on this point. In the first place I doubt whether he found out for himself anything objectionable in the tone of the despatch, for when he spoke last Session, after having read it, he found no fault with the tone of it; and I cannot help thinking he was in the same position as the colonists themselves were, for I have been told that when my despatch arrived they were annoyed and provoked on account of the substance of that which it conveyed, but thought nothing about the form. It was only when a fiery protest written by Sir George Grey, and signed by several other gentlemen, arrived in the Colony, and was extensively circulated there, that they awoke to a sense of the indignities heaped upon them. As to Sir George Grey, I will not say one word to disparage his long and brilliant public career—a man would be a fool to deny his great power, ability, eloquence, and activity — but that which characterizes him to a degree I have hardly seen in any other man is his power of discovering grievances, and magnifying them when so discovered. If any of your Lordships waded through the blue books last year, you must have found that the greatest portion of them consisted of a correspondence between the noble Earl (the Earl of Carnarvon) and Sir George Grey, the despatches of the noble Earl containing instructions which seem never to have been obeyed, complaints which were unheeded, and the recapitulation of those facts and truths which are so objectionable in my mouth, but are so perfectly anodyne when sent out in a despatch by the noble Earl. Sir George Grey's despatches, on the other hand, are perfectly interminable, complaining of the noble Earl for every fault which a Secretary of State could commit — incorrectness in statements, for trying to disgrace the Governor, for encouraging calumnies against him and the Colony, and for writing despatches which it was impossible to answer except by saying that they ought not to have been written at all. They were accompanied by memoranda by Mr. Stafford and other Ministers equally violent, equally complaining of the noble Earl; and last, but not least, by addresses from the two branches of the Legislature complaining of him for his reiterated calumnies against the Government of the Colony. Now, I am not quite sure that the noble Earl was right in not showing a little more vigour and having his instructions obeyed; but I am bound to say that, as far as my weak testimony can go, he seems to have been almost continually in the right, and Sir George Grey as often in the wrong. Still, when the noble Earl charges me with the rudeness of my correspondence, I cannot conceive one which is less overflowing with milk and honey than the correspondence which has immortalized the noble Earl's official life. I read the other day a most interesting debate from Victoria, with considerable regret and some anxiety, although it confirmed opinions which I had ventured to make public. One remarkable speech produced a sensation. Mr. Higginbotham, an able man, but of extreme opinions, seems to have delighted his audience by a description of the personal characters of some leading Members of your Lordships' House. They were literary sketches, very much resembling the painted portraits in which some of your Lordships have lately been exhibited in *Vanity Fair*. Your Lordships may imagine, therefore, that they were an exaggerated caricature. He said Lord Carnarvon was a person who, twenty years ago, had the reputation of having a very old head upon young shoulders, but that now his shoulders had become old, while his head had turned out to be that of a boy. I should certainly like to have Mr. Higginbotham here to point out to him how juvenile the noble Earl's shoulders are, and how venerable internally his head still remains; but I think he might possibly rejoin by asking whether there was not something of the charming self-confidence of youth in a noble Earl whose whole official career was one long continuous epistolary wrangle with the Governor, the Government, and the Legislature of New Zealand, thinking himself absolutely bound in the Recess to lecture me in the columns of *The Times* upon the amenities of polite letter-writing in the case of that very Colony. The noble Earl went on to express great indignation at what he called the remarkable suggestion of mine with regard to the recognition of the Maori authority, and he laid great stress on the word "King," as if it conveyed the notion of the European title. Now, being so well acquainted with the Colonies, he must be well aware that in Africa there are a number of subject Kings who are just as much subjects of Her Majesty as any other Chiefs under a different title. That I ever recommended that a Maori King should be placed over the Native tribes I defy the noble Earl to find any proof from words used by me. Let me refer to a book just published by Sir William Denison—a man of great colonial and Indian reputation. If your Lordships will only read the chapter in that book on New Zealand I think you will see that when I felt myself bound to give a history of past transactions, in opposition to the history given to me in support of the claim or demand for Imperial assistance, my picture was not at all highly coloured. Sir William Denison is, perhaps one of the best witnesses on this matter. He was a perfectly impartial witness; he was an Australian Governor in 1857, and during three months of that year a visitor in New Zealand, and for three years after that he was in constant communication with New Zealand in connection with the military operations there. I will quote only passage, which I find in a letter of his written to the Governor of New Zealand upon that subject which shocks my noble Friend so much. He says—

> "You have now, as a fact, the establishment of something analogous to a general Government among the Maories, a recognition on their part of the necessity of some paramount authority. This is a step in the right direction; do not ignore it; do not, on the ground that some evil may possibly arise out of it, make the Natives suspicious of your motives by opposing it, but avail yourself of the opportunity to introduce some more of the elements of good government among them; suggest to them the necessity of defining and limiting the power of the person who has been selected as Chief or King (I should not quarrel with the name), of establishing some system of legislation, simple, of course, at first, but capable of being modified and improved; but do not attempt to introduce the complicated arrangements suited to a civilized and educated people; recognize publicly and openly the Maories, not merely as individual subjects of the Queen, but as a race—a body whose interests you are bound to respect and promote, and then give to that body the means of deciding what those interests are, and of submitting them, in a proper form, for your consideration."

Earl Granville

The noble Earl says we ought not to have recommended negotiation, because Sir George Grey had tried it and failed: but that no new negotiation is ever to be opened because a previous one has failed under very different circumstances, is a species of argument to which I think your Lordships will not assent. In his celebrated letter of November last the noble Earl made two recommendations. One of them was that I should send out a Commissioner to New Zealand. I think it is Mr. Merivale who says the phrase, that "it is necessary to do something," is the formula of a well-meaning but undecided error. My noble Friend advised us to send out somebody to do something which he did not in the slightest degree define. If he meant that we should have sent out a Commissioner to collect facts, to sit side by side—like a second King of Brentford—with the representative of Her Majesty, I cannot conceive any machinery that would have been more likely to paralyze the Home Government and the colonial Government at a moment of crisis and of difficulty. If, again, he meant that we should have sent out a Dictator, with or without instructions, but with power over the whole Colony, I can only say I have not seen any evidence of the slightest disposition on the part either of the colonial Government or Legislature to encourage or accept any interference with the rights given them by Sir John Pakington's Act. My Lords, I am very glad, indeed, that I did not take the noble Earl's advice. The next thing the noble Earl says and repeats is, that we ought to have guaranteed a loan. Last year, when a guarantee for a loan in connection with the Hudson's Bay arrangements was mentioned to me, I declined to give it, even although in that case the guarantee would have been for a clear and definite object. What, however, the noble Earl recommends is a guarantee for £1,500,000 sterling, to be spent by the Colony in any manner it pleased for military purposes. I believe that you ought not to give a guarantee if you do not know how the money which you encourage them to raise is to be disposed of; and it would be infinitely worse if you were to try to control and manage the expenditure by persons over whom you have no power. It is against the interest both of a young State and a young man that they should be encouraged to borrow, and should have facilities for doing so. What, after all, would have been the advantage of that? This Colony, with about £4,000,000 of exports and £5,000,000 of imports, spent in war last year £500,000. The difference which the guarantee would have made would have been a difference of £30,000. Would that sum have been of any importance in comparison with the great objections to the arrangement? If I had written the letter which the noble Earl wished me to write, and the Treasury had given the guarantee, what would have been the result? I believe the money would have been immediately raised; and the Government then in power, which has been accused by the present Government of reckless extravagance, would have raised and spent it, and the Colony would have been permanently burdened with a debt of £1,500,000, which would have been a great disadvantage both to them and to us. Again, the effect of guaranteeing a loan for a country is to diminish that country's credit at a future time. Then, with regard to the military occupation of New Zealand, there are several ways of dealing with the matter. There is the alternative of the mother country resuming power and responsibility over the Colony. I think it is open to argument whether such a power might or might not twenty years ago have been retained; but, whether it were a good or a bad policy, I think it is beyond the reach of argument or discussion—in fact, it is impossible—for you to take back the powers you have given to the Colony, and to re-assume the responsibility for its government. Then there is another proposal. Some three years ago my noble Friend (Lord Lyttelton) made a speech on this subject, the report of which contained only three sentences. He said he heartily rejoiced at the withdrawal of the troops; that he thought the Colony had not the slightest claim to assistance from this country for its internal defence; and he ended by saying that the best plan would be to fix a day irrevocably, beyond which it would be known to the Colony that it would be left entirely to its own resources; and that would be the only way of insuring its future welfare and prosperity. Since then my noble Friend has changed his opinion, and now wishes Imperial troops to be supplied to the Colony; but, having a very logical mind, he has changed so completely as to remain equally logical as before; he says the Imperial troops to be left in the Colony ought not only to be paid, but to be ordered and controlled, by the colonists themselves. That may be a very plausible proposition; but I own I am not at present prepared to undertake the responsibility of advising Her Majesty to commit the honour, the safety, and the discipline of Her Majesty's troops to what would necessarily be the changing representative Government of a Colony. That is not the plan of the noble Earl opposite (the Earl of Carnarvon) at all; and I have some little difficulty in following some of the principles the noble Earl laid down with regard to our military connection with the Colonies. He said the other day that he thought our military organization was the principal bond between the Colonies and this country. I entirely deny that assertions on several grounds; but I will only refer to one. I wholly agree with the noble Earl near him (the Earl of Derby) in thinking that the main reliance which we and the Colonies have for our protection in war must be placed in our naval supremacy, and in our power of organizing our naval forces. The noble Earl (the Earl of Carnarvon) went on to complain of what we were doing in respect to Canada, and said it was a "shabby" policy. Our policy there is to withdraw troops that are not required for Imperial purposes, and to pay those that are kept there for Imperial purposes. That is the way in which we are dealing with a large country, possessing a great revenue. But what did my noble Friend himself do? Why, he actually boasted the other day that he had recalled all our troops from the Cape; whereas we think it necessary to retain some of them there for Imperial purposes, and to pay for them. The noble Earl did not think it "shabby," I suppose, to recall our troops from a Colony which, I am sorry to say, is almost in a state of bankruptcy, because it could not pay troops retained for both colonial and Imperial purposes. If there are two men, A and B, in this country, and if A remains at home and pays towards the taxation of this country, and B goes to another country, where he is in a more prosperous condition, it is not reasonable that A should be called upon to pay for the defence of B. But I do not in the least degree confine my objections to the question of money, although that is an important point; but it is mixed up with all those reasons that I gave in my despatches, which the noble Earl said were all true in their facts, in their principles, and in every thing else, only he wished that I had blended a little agreeable falsehood with them, to make them more palatable to the colonists. The noble Earl wishes this regiment to remain in New Zealand, not for the purpose of taking the field, but to be stationed in the different garrison towns—doing exactly what he had previously said was the most damaging thing to discipline that could be done. He said that the men should not be engaged in any fight with the Natives, if war should unhappily arise. Now, my Lords, I cannot conceive a less enviable position for our troops. I believe if peace is consolidated, these troops will very soon find that the colonists will make use of the same language that they did a few years ago, and say—"We don't want them; we can do very well without them; they are rather in our way than otherwise; we would rather not have them." But in the more important event of war, what would be the position of a colonel or commanding officer in a town with the most frantic appeals made to him for help, and with representations that murders and outrages were being committed in the outlying districts? He would be bound to say—"I cannot move; I must keep my troops in the cities; I cannot do what you require." Now, my Lords, I believe in the physical courage of our officers and troops, but I confess I do not believe in their moral courage to do that. And if, in obedience to the representations and appeals made to them, our troops do take the field, we are responsible for what happens;—and besides there is this great disadvantage, that the colonists from the first will fall back upon us for aid in the conduct of the war, instead of cutting their coat according to their cloth. Anything more unwise than the course recommended by the noble Earl I cannot conceive. Now, I think that no man ought to enter public life who cares about being attacked—it does not much signify if a man be misrepresented if he has a fair opportunity of stating his case, whatever it may be—but I do certainly hope that your Lordships will believe that during the last twelve months I have sometimes endured great anxiety, and have been subjected to much pain, owing to the state of things in the Colony. It is not pleasant to be told that I am contributing to the dishonour of the Empire, or that my withdrawal of the troops will occasion a great national disaster, as the noble Earl wrote, and that there will be a general burning of towns and a great massacre of the white inhabitants. But, my Lords, I am encouraged by the feeling that the course I pursued was the same as that which the Duke of Buckingham had carried out, and which had more than once received the sanction of your Lordships. And, my Lords, ever since that policy was adopted — ever since it was clearly understood in the Colony what the course of Her Majesty's Government was likely to be — from that moment I have had the satisfaction of seeing affairs there gradually and continually improve without break up to the present. I have also had the great satisfaction of knowing that men like Colonel Whitmore think it advisable that the troops should be taken away. I have had the consolation, too, of hearing from the Bishop of Wellington the other day that he had received a letter from a good authority in New Zealand, stating that he has not known for ten years when the affairs of the Colony were in so good a position as they are at the present moment. There are in this country two statesmen of New Zealand, who have come over to persuade Her Majesty's Government to let the regiment be detained in the Colony, and, secondly, to make arrangements for their future local military organization. I cannot say how much I lamented that my first duty was to inform them that to leave the regiment was a proposition which it was impossible for Her Majesty's Government to comply with; and I hope my noble Friend will think it no want of respect to him if I say that I cannot yield to his eloquence that which I had to refuse to yield to the very forcible appeal made by the authorized representatives of the Colony. And here I wish to bear public witness to the manner in which these gentlemen opened the negotiations. They abstained from going into certain topics; they decided that they would not go back into past history, in which their knowledge of local affairs and local geography might puzzle me to a considerable degree. I believe, however, they came here animated by a disposition to do the best they could for the Colony; and I also believe that they are fully convinced of the disposition I feel to do everything I can to put our relations on the most satisfactory footing with that splendid possession of the Crown which they represent. With regard to honours, which may seem trifling matters, but are of considerable importance as showing the interest which Her Majesty takes in the Colony, Her Majesty has been good enough to sanction the bestowal of honours on Colonel Whitmore and on Mr. Maclean, whose services were invaluable, one in military affairs, the other in the negotiations with the Natives. It is also intended to confer honours on the friendly Native Chiefs, which I am told by those best acquainted with the Colony is likely to produce the best effect. Moreover, the Admiralty have sent out orders to make every possible demonstration with our naval forces in support of the colonists at the moment of the withdrawal of the troops. We have done all that we can; but I am not prepared to answer the question of the noble Earl in the affirmative. I must add one thing which I ought to have mentioned. We have offered New Zealand any number of commissioned and non-commissioned officers for the local regiments; and if, by the offer of land, money, or other inducement, the colonists can prevail upon the whole *personnel* of an European regiment to take service there, the Commander-in-Chief has stated that they are at perfect liberty to do so. We are to retain the flag and the number of the regiment; but the officers and men are at liberty to take service in the Colony. I think it probable that some young officers and some steady men may be tempted to do this, and then the colonists will have the nucleus of an effective army in the field. I believe that is the very best way to aid the colonists. I beg to thank your Lordships for the attention with which you have listened to me.

EARL GREY: My Lords, my noble Friend the Secretary for the Colonies has made a most able reply to the speech of the noble Earl—he has acted with great vigour on the maxim that the best way to defend yourself is to attack the enemy—but I cannot help saying that in his speech I missed the one thing which, above all others, I desired to have heard—some explanation of the grounds for that confidence he seems to feel that the measures he is pursuing will not lead to the very serious consequences that are apprehended from them. My noble Friend is as well aware as I am that one at least of the gentlemen to whom he referred entered into a full statement of his reasons for believing that most serious consequences will follow from the departure of the last regiment from the Colony. I was the more anxious to hear my noble Friend's reasons for disregarding these anticipations because it appears to me that he is taking a course which will leave in full operation all the causes which produced the war which has lately been brought to a close. My Lords, let me remind you what were the causes of the late war. I do not mean to go back to the past with a view to bring charges against anyone; but it is absolutely necessary to consider what mistakes have been heretofore made, in order to form a sound judgment as to the future. I think no man who has attended to these transactions can doubt that the real cause of the war was that the Maories were subject to a system of government which created in their minds great and just discontent. What was the effect of the system of government established in New Zealand? In 1852 no man, I believe, who knew anything about the affairs of the Colony doubted that the time had then arrived for conferring upon it representative institutions, and thus carrying into effect the intentions which Parliament had entertained six years before, but which had been postponed owing to the agitated state which the Colony was then in. Unfortunately, however, that change was made in a manner which, I venture to say, the result has proved to have been injudicious. The Constitution which you established in the Colony was one which, now that it has been tried, it is impossible to deny to have been exceedingly ill-advised and ill-adapted to the state of society which then existed. In the first place, you introduced a principle altogether new in the history of English Colonies, by which the Executive authority in the separate Provinces into which New Zealand was divided was given to elected Superintendents. When a Governor can only exercise authority through delegates whom he does not appoint and cannot remove, it is evident that he can have no effectual means of enforcing obedience to his orders. Thus the whole of the Executive authority virtually passed into the hands of the Provincial Superintendents. Nor was that all. What authority was retained the general Government soon came to exercise under what has been most improperly denominated responsible government. The effect of these changes was that the Maories, who had up to the time when they took place been on the most friendly terms with their white neighbours, and who had been gradually but steadily advancing in prosperity and civilization, by degrees became alienated and discontented. And this is easily accounted for. In the exigencies of party government the friends of the Maories were made to yield all place and public employment to those who were inclined most strongly to flatter the wishes and the passions of those in whose hands political power was placed, to the exclusion of the Native population; and, unfortunately, those who were most acceptable to the whites who had votes were too often justly obnoxious to the Natives who had none. The Maories saw the men who in the newspapers had been notoriously advocating a system of policy highly unjust towards themselves—in relation especially to the land—advanced to authority. At the same time the Government was so constituted that legislation was almost paralyzed; and yet it was a moment of all others when a firm, steady, and consistent form of government towards the Natives was necessary. A great change was taking place in the state of society. The authority formerly exercised by the Native Chiefs was decaying and gradually becoming less and less recognized by the younger portion of the Native population; and it was necessary that some machinery should be provided by which order should be preserved and protection afforded to the peaceable and well-disposed in the Native districts. But if you look at the history of what has taken place in the colonial Legislature during the last fifteen years you will find that nothing in comparison of what was urgently required has been done to meet the wants of such a state of society. Instead of passing useful and well-considered laws, the time of the Assembly has been in great part taken up by a series of party struggles leading to perpetual changes in the colonial Ministers. One set of men coming in have upset all that those before them had attempted, and what legislation there has been has been inconsistent with itself, constantly varying in its policy, and changing from one thing to another. The fact that they suffered grievously from the manner in which the government was conducted the Maories gradually perceived, and discontent was the necessary consequence. If I could venture so far to trespass upon your Lordships' attention it would be easy to adduce ample evidence from the voluminous Papers on the table to show that this is the true explanation of the change that took place in the feelings of the Maories towards the colonists; but I will only refer to one or two facts which I think are highly significant. In the years 1852 and 1853—the last years that the old system of government was in force—the Reports forwarded by the Governor of New Zealand to the Secretary of State at home concurred in representing the prosperity and general progress as very great, and in stating that the most friendly relations subsisted between the colonists and the Natives; and in 1854 the Governor, in his speech to the Representative Assembly, congratulated them upon the good feeling existing between the two races. In their Address in reply the Assembly concurred in that opinion, and expressed equal satisfaction at the existing state of things. In 1855, though the reports were equally favourable, a change began to be observed, and in September Sir Thomas Browne, who had recently been appointed Governor, reported to the Secretary of

State that, while the Natives were well affected towards the Government, they were not equally well affected towards the Assembly or towards the Provincial Councils, because they were suspicious of their intentions with regard to the land. In 1856 the Governor made a Report to the same effect, but couched in still stronger language. He said it was clear that the Natives were hostile to a system of popular government in which they had no share. And, my Lords, it must be remembered, that by establishing the form of Constitution I have described, you had given to the European population complete and absolute control over the administrative Government, while you totally excluded the Maories from any share in political power. Now, I believe, my Lords, it is a received maxim that representative institutions, while they are of great benefit to those who are admitted to a share in them, are not favourable to the just or good government of those who live under such institutions but who are excluded from all participation in political power. The new system of government created in New Zealand very closely resembled that which existed in Ireland previous to the Union, when the Protestant Parliament legislated for the great mass of the Roman Catholic population in a manner of which we are now all ashamed. In this manner the Natives who had been so loyal and so friendly were alienated, and became more and more hostile to the colonial Government and to the settlers. But it was long before their altered feelings were shown by any acts of violence. The crisis was brought on by a dispute with regard to land. Some land at Taranaki was purchased by the Governor under the advice of his Ministers from a chief whose right to it was disputed. This chief was murdered: two opposite factions of Natives were arrayed against each other in arms, and the colonial Government looked on in helpless inactivity. In vain the Chiefs said—"If we are British subjects, punish the murderers; if we are not, leave us to deal with them ourselves, according to the old customs of our race." But nothing was done. In the meantime the Government continued to assert its claim to this disputed piece of land, which the Natives, on their part, with equal determination, refused to admit. But they avoided for a long time any resort to force. Considering what an impulsive and warlike race they are, it is, indeed, wonderful their patience lasted so long. They contented themselves with endeavouring, by passive resistance, to prevent the British authorities from taking possession of the disputed land. In pursuance of this policy they erected upon it a Native fortification, or pah; and the first act of war that was committed, was the opening of a fire of artillery by the British troops on a party of Natives who were in quiet occupation of this pah. The war began thus in 1860, and, once began, it soon became a very savage one. As was to be expected from men in their uncivilized state, who had not yet forgot the old cruel customs of their tribes, the Maories were guilty of many barbarous outrages, and it must be admitted that the retaliation inflicted upon them was hardly less savage than the original violence. This always happens in wars between civilized and uncivilized races. The civilized races in their acts do not sufficiently discriminate between those who are really responsible for outrages committed and those who are not; and the sight of some of those barbarities natural to uncivilized races rouses a feeling among Europeans which makes them too forgetful not only of mercy but of justice. I will not weary your Lordships with a history of that miserable war which, with intervals of tranquillity more or less complete, has lasted above nine years; but there is one part of this unhappy story to which I would call your attention, because it shows how easily the Maories might have been conciliated and induced to forego hostilities, if only they had been properly dealt with at the right moment. In 1861 the war became so serious, and the danger to the settlers was so great, that Her Majesty's Government thought it necessary, not only to make a large addition to the military and naval force already in the Colony, but to send Sir George Grey again as Governor to New Zealand from the Cape of Good Hope, in the hope that his well-earned influence with the Maories might enable him to re-establish peace. When these measures were announced in this House, I ventured to warn Her Majesty's Government that, although they were right so far as they went, they would fail to produce the desired effect unless Sir George Grey were invested with authority to effect a fair settlement of the questions in dispute with the Maories, and to make an arrangement by which just and equal government would be secured to them for the future. I expressed my conviction that if this power were not accorded to him he would be unable to close the war by a durable peace. The result proved that this opinion was well founded. At first, the mere news that Sir George Grey was expected produced a great effect upon the Maories; they evinced the most friendly disposition, expressed their confidence that he would make some just arrangement, and in the meantime they practically suspended their hostilities. But Sir George Grey no longer possessed his former authority: he could do nothing without the concurrence of his Ministers and the Legislature. At first, it appeared as if this would not prevent his success, he was well supported by the colonial Ministers; and with their concurrence he proposed to the Assemblies measures which seemed well adapted to meet the difficulties of the case, and to lay at least the foundation for that re-construction of society which was absolutely necessary in New Zealand. But, unfortunately, before these measures could be passed by the Legislature, there arose in it one of those party conflicts which have been of such frequent occurrence in New Zealand. The Ministers with whom Sir George Grey was acting were left in a minority. Much time was lost, first in determining how the new Ministry was to be formed, and then in deciding what their plans were to be. In the end they proposed measures which hardly anyone thought equal to the emergency, but which were passed because it was absolutely necessary to do something and there was no longer time to consider any others. And when the Assembly of 1862 separated without any really efficient measure having been adopted for fulfilling the expectations of the Maories, and providing for the due performance of the most necessary functions of government in the districts they inhabited, the golden opportunity for a settlement of the Colony was lost, and it has never since returned. An important change was produced by their disappointment in the minds of the Natives. The very Chiefs who a few months before had received Sir George Grey not only with friendship but with cordiality, who had shown an earnest desire to live in peace with Europeans, and for the restoration of friendly terms with them, became disaffected and showed their feelings by a line of conduct which irritated the settlers, so that very soon bitterness prevailed on both sides. To show the suddenness of the change I may mention one fact. In 1862 a Maori had been killed, and it was expected that this would lead to great violence on their part; but they acceded without a murmur to an inquiry into the circumstances, and when it was found that the man had been killed by a settler in self-defence they were satisfied that no punishment should be awarded. Very soon afterwards, however—at the beginning of the next year—so irritated were they, that when Sir George Grey ordered possession to be resumed of some land to which the title of the Colony had been undisputed, but from which the settlers had been driven out during the hostilities, the Natives murdered a small party of soldiers who were marching to take up their post in this territory. That occurred in 1863; and from that time till very lately this most miserable contest went on with results in strange disproportion to the amount of force employed, notwithstanding that our troops, and sailors, showed their wonted courage, while the colonial volunteers and militia also behaved as well as men could. For a time war was carried on, apparently more to the advantage of the Natives than of the Europeans. This was owing to the want of concert among those between whom authority was unwisely divided and the sad mismanagement which ensued; but in the end, in spite of mismanagement, the immense superiority of our resources triumphed, and the strength of the hostile tribes was broken, and peace may now be said, for the present, at least, to be established. Whether that peace is likely to last is a question for your Lordships to consider. In my opinion it will not last if the policy declared by Her Majesty's Ministers is persevered in. You have at this moment a Ministry in New Zealand which is said to be friendly to the Maories; but, judging from the past, another change will soon occur; and, looking to the inevitable working of the institutions which have been granted to that Colony, it is most likely that the next, or some other, Government may renew the offence which, when first given to the Maories, led to the misfortunes which have been prevailing since 1860 or 1861? My noble Friend (the Earl of Carnarvon) has expressed his fears that when the last British regiment in the Colony is actually withdrawn the war may at once burst out again, and certainly these fears are not groundless, but, in my judgment, the most serious danger is not that an immediate outbreak will occur, but that when you abandon all attempts to control the policy of the colonial Government—when you leave it in the hands of those chosen by the whites alone—you will have it conducted in such a manner that a hostile feeling will again be created in the Natives which will sooner or later break out into war. My noble Friend says that danger will be averted by withdrawing all the British forces and throwing the colonists on their own resources—that when they know they cannot trust to the British troops and to British support they will be compelled to adopt such a system of government towards the Natives as will prevent their being again driven into hostilities. My Lords, I am persuaded unless some impartial authority is interposed between the two parties, however anxious the colonial Government may be to avoid exciting the Maories to hostilities, and also to organize such a force as to be respected, great difficulties will occur. Great fault has been found in their despatches by different Secretaries of State with the colonial Government for not making greater efforts in raising a force for the purpose of their own defence. But in all times and in all parts of the world it has been found extremely difficult to defend the civilized inhabitants of such a country as New Zealand against barbarous and warlike neighbours. The settlers necessarily occupy scattered dwellings and farms surrounding a singularly difficult country, where mountains, forests, and rivers afford a stronghold to tribes remarkably bold and skilful in irregular warfare. A large force is necessary for that purpose, and a still larger one to inspire such respect in the Maories as to prevent hostilities. But the means of the colonial Government for raising funds or men for an adequate military force are very restricted indeed. If, in the present state of New Zealand, taxation is pressed beyond a certain point, the effect will be to drive the colonists to some other Colony; and if an attempt is made to enforce military service on the colonists the same result will follow. It is practically beyond the power of the colonial Government, however willing they may be, to raise an adequate military force; and the government remaining in the hands of the whites alone, who are interested in acquiring the lands of the Maories, it is totally impossible they could command the confidence of the Maories in the same manner as the representatives of the Crown could do. I am, therefore, firmly persuaded that if you pursue the policy of declining to aid the Colony, and declining also to exercise any control over the policy pursued by the colonial Government, the result will be that in a very short time the war will be renewed. And what will be the character of that war? It will not be conducted according to the rules of civilized warfare. The colonists will not be strong enough to subdue the Natives in a war so conducted; but they will be strong to destroy them, and they will be driven to shoot down the unfortunate Maories like wild beasts. I do not blame them; they will be driven to it. Outrages will be committed, for the Maories are still savages. They will murder women and children; they will burn and destroy all they can lay their hands upon. Their proceedings will create a bitter spirit of revenge in the minds of the colonists, and in a very short time you will find, as has been too often the case of the whites in their conduct towards the coloured race—they will act on the principle of shooting them down like so many wolves. I believe if you adopt the policy of abstaining from all control over the colonial Government, and refusing all aid to them, it is as certain as anything future can be that in a very few years at latest the war will break out, and, once breaking out, it can only end by the extermination of the Maories, after fearful sufferings have been inflicted on the whites. There are some, I know, who think that this is proper and desirable. They say that the inferior race must give way to the superior; that the inferior ought to be exterminated, but that those who are to succeed to their lands and possessions ought not to effect that extermination at the expense of other people. The Maories may be killed, it is contended: but not at our expense. My Lords, I abhor this as a detestable and un-Christian doctrine. I hold it to be our duty as a nation, if it be in our power, to avert such a fearful result. I deny that, in any fair sense of the word, the Maories are an inferior race. They are a race totally different from the Aborigines of Australia. They have shown that they are capable of being advanced in civilization. It is a remarkable fact that a few years ago, before the troubles broke out, there was a larger proportion of the Native New Zealanders who could read and write their own language than of our population who could read and write English. My Lords, I maintain that the results I have described will necessarily follow from the adoption of the policy of my noble Friend (Earl Granville) in abstaining from all attempt either to assist or control the colonial Government, but what then is the course we should adopt? My noble Friend objects to allow the Queen's troops to be employed in maintaining a policy which the Queen's Government cannot direct. I quite agree with him. I admit the soundness of that objection, and I am bound to say that I think it was the weak part of the able speech of my noble Friend near me (the Earl of Carnarvon) that, while he recommended no real change of our policy he yet pressed for delay in removing the British troops. I cannot deny the force of what was said against this proposal by my noble Friend opposite. Are we then to recur to the system of giving the Governor control over measures relating to the Natives, leaving the general system of government unaltered? Clearly not. It is extraordinary how such a system of double government could ever have entered into the head of any man of the slightest political experience; and after its signal failure it would be madness to revert to it. What then remains? The only other policy which could be adopted, so far as I can see, would be that of recurring to the old system of retaining in the hands of the Crown such authority as is necessary to insure good government for the Maories, while acknowledging the claim of the settlers for aid and protection. My noble Friend at the head of the Colonial Department in his speech entirely set aside this policy as not deserving even to be considered. In the circumstances of New Zealand, I quite concur with my noble Friend in thinking that it would be wrong to attempt to force on the British settlers any alteration of the system of government under which they live; but would it not be possible to obtain their assent to modifications in their existing system of government, by which it might be rendered more advantageous to the settlers, and yet restore to the Crown so much authority and control over colonial affairs as to justify it in undertaking also to afford them protection? The changes in the present form of government required for this purpose would not be very large in form, though important in their effect. In the first place it would be necessary to repeal the law by which the Provincial Superintendents are made elective; they ought to be appointed by the Governor and to be removable by him for misconduct. It would further be necessary to establish the rule—but for this I believe no change in the law would be required—that the Governor, and not the subordinate officers of the Government should, as formerly, be held responsible for its measures. This would imply that the officers under him—such as the Attorney General, the Colonial Secretary, and others—would not hold their offices by the fluctuating will of a colonial Assembly, but in accordance with former practice during good behaviour, so that there might be some security that as soon as they were well acquainted with their work they would not be forced to resign. This would be an advantage in itself quite irrespective of the difficulties that have arisen with the Maories, for the system of "party government" miscalled "responsible government," certainly has not worked well in New Zealand and Australia. In these small societies there is a tendency in the representative assemblies to split up into parties, not one of which is strong enough to carry on the government alone, and a combination to upset the Government can generally be made by parties, who having succeeded in this are not able to combine for the purpose of carrying on another. Thus it happens that we see a constant succession of feeble and ephemeral administrations, and a demoralizing conflict of parties bound together by views not of public but of personal interests. If there were no Maories in New Zealand, I believe that a change in the system of government, on the principle I have adverted to, would be greatly for the benefit of the Colony. It would gain by it the possibility of having a firm and consistent, instead of a weak and vacillating administration of its affairs, while it would give up nothing of the essentials of representative institutions. The power of legislation and the control of the finances would still remain with the Assembly, and even over the executive administration that body would exercise more influence than belongs to the House of Representatives in the Congress of the United States. At the same time it is mainly on account of the Maories that the change is required; but with that brave, though still barbarous race in the country, the necessity for a change from the present ill-judged and ineffective system of government is urgent. It would give to the Ministers of the Crown the power of securing fair and impartial government to the Maories, and such a control over the colonial policy as would justify them in asking Parliament for the means of giving efficient military support to the settlers. With this control, but not without it, such support might be safely and properly given, and what I think requires the serious consideration of my noble Friend is, whether the colonists might not be induced to accept it on this condition. If so I think my noble Friend might not only allow the Colony to retain the regiment now there, but might add another, and for a time this force might be allowed to remain in New Zealand, without requiring any contribution towards its cost from the colonial treasury. If the colonists would consent to such a modification of their Government as I have described, I have no hesitation in saying that they are, in my opinion, fully entitled to protection from us, and that it would be both just and politic not to be niggardly in the terms on which it was granted. They have a strong claim upon us on account of the misfortunes to which they have been exposed. During nine years New Zealand has suffered all the evils of a cruel and desolating war, one of its most flourishing Provinces has been utterly laid waste, many of the settlers and their families have been murdered, the destruction of property has been frightful, and, what is worse, both the Imperial and colonial forces have sustained a heavy loss in action of most valuable lives. The Colony, too, has been spending in the war enormous sums of money, which might under happier circumstances have been applied to productive works. Contrast these results of the policy of merely looking on, of letting things take their course, and disclaiming all responsibility, with the results of a different policy. Some twenty-five years ago there was another Native war in New Zealand. At that time this new doctrine, that it is not the duty of the Crown to protect its subjects in the Colonies, and not its right to exercise any power over them, had not been heard of; and when New Zealand was in great danger, the late Lord Derby thought it right to order out additional troops and a naval force for its protection, and also to send Sir George Grey there from South Australia armed with very large powers to restore peace. What happened? Although the Maories were then more numerous and much more generally hostile than in 1860, while the colonists were much fewer and had far less resources than afterwards, while the British force employed was also smaller than in the late war; in a very short time indeed, and with a very little fighting peace was restored. The Natives submitted, and the whole loss to our troops during the entire series of operations was only twenty-eight killed and fifty-three wounded. After the first submission of the Natives there was one short and partial outbreak of fresh hostilities; but this was soon put down, and peace was established so solidly that for twelve or thirteen years afterwards no collision whatever occurred with the Natives; for seven or eight of those years the two races remained on the best possible terms, and the Colony continued to advance in civilization and prosperity. Such are the opposite effects of the two systems of policy which have been tried in New Zealand—namely, the system, on the one hand, of looking on inactively and disclaiming all responsibility or control; and, on the other hand, the system of maintaining the just authority of the Crown, and at the same time affording protection to Her Majesty's subjects. When New Zealand has been exposed to such disasters by a change of our policy, I think that not merely generosity, but bare justice requires that this country should consent to forego claims upon the colonists which under other circumstances might be fairly enforced. Nobody can deny the extent of their misfortunes; and, although I am far from saying that the colonists are not, partly, at least, to blame for what has happened—although they have, no doubt, committed great mistakes, and it is impossible to deny that their own conduct has contributed to bring upon them these disasters—still I do affirm that no impartial man, carefully considering the history of these transactions, can assert that the blame rests exclusively or even chiefly with the colonists. The ill-advised Constitution of 1852 was not contrived by them; it was entirely the act of the British Government and Parliament. The unhappy blunders by which the clumsy machinery of this Constitution was brought into operation in a manner that took away any chance of success which it might otherwise have had were not theirs. Neither were they responsible for the gross mismanagement by which the large British force employed in the Colony in 1861 and 1863 was made almost worse than useless. I say, therefore, that the blame for the miseries and misfortunes of New Zealand lies between the British Parliament and British Government and the colonists; and, that being the case, it is not fair or just to throw the whole burden on New Zealand, and it would be only reasonable that the colonists should have upon easy terms the assistance of this country until their resources are restored, and they are better able to bear the burden of their defence. At the same time, if any aid is granted to them, I hold that some control on the part of this country must be admitted by them; and if that control is denied, such aid cannot reasonably be expected.

Lord LYTTELTON said, he should not attempt to reply to his noble Friend who had just sat down (Earl Grey), as he was one of a very small minority in Parliament and the country who believed that the constitutional changes which had been made in New Zealand were wrong, or that they ought to be modified as seriously as he proposed. On the question whether the Colony of New Zealand had any ground of complaint against the Colonial Office in the matter of its defence, he wished to refer to a few passages in the despatches which had not hitherto been adverted to, and which had an indirect but still very important bearing on the question at issue. He must say he never should think of taking part in the complaint that had been made against the noble Earl the Secretary of State for the Colonies, to the effect that he had been at any time wanting in politeness or courtesy in his correspondence with New Zealand. It was not in the noble Earl's nature to be wanting in courtesy in anything he had to do; he never tried to be discourteous, and if he did try he could not be so. At the same time, they all in that House knew that the noble Earl had a claw beneath the velvet, and that claw was felt whenever he had occasion to use it: and the sharpness of the claw was quite as remarkable as the smoothness of the velvet. As to the responsibility of this country with respect to New Zealand, in the despatch of the 31st of March, which had been much commented upon, his noble Friend said that the foundation of that Colony was without any encouragement from the Home Government. The transaction referred to happened so long ago that it was possible that even in the Colonial Office there were not many who accurately remembered what occurred. The statement was inaccurate; it was replied to at the moment by an eminent person still living, who stated that he was the only survivor of the small band of public men who were primarily responsible for the foundation of the Colony. Sir William Hutt said that when he and Mr. Buller and a few others entertained the idea of establishing a new Colony, the first thing they did was to apply to the Government of Lord Melbourne, and the Colonial Secretary (Lord Glenelg) not only commended their purpose, but offered them a Royal Charter. Surely that was substantial encouragement. It was declined for certain reasons; but shortly afterwards another application was made to Lord Normanby; a Bill was introduced by the promoters of the design, which was withdrawn at the request of the Government, but only because they said they were prepared to legislate on the subject in a manner which would give satisfaction to all parties. The other point open to contradiction was that of the appropriation of the confiscated lands after the conclusion of peace, and the submission of the rebels. The words which had been put in the despatch without qualification were directly contrary to the official language of his noble Friend's predecessors — although his noble Friend should be the last to claim exemption from being bound by that language, because at the end of the same despatch he relied on the opinions on the general question expressed by his predecessors. The condemnation of such confiscation of land was in direct contradiction to the approval expressed of it by the Duke of Newcastle. Sir George Grey having in August, 1863, laid very distinctly before the Secretary of State the proposal to give to the settlers the territories of those tribes which were then in arms against the Government, the Duke of Newcastle in his reply said he did not disapprove the principle of the measure, because he thought the rebels might very properly be punished by the confiscation of a part of their property. He pointed out how the measure should be guarded; but the despatch did not in any degree nullify his distinct approval of the principle. On the general question of the responsibility of this country for the war in New Zealand he (Lord Lyttelton) agreed on the whole with what had been said by Earl Grey. The present Prime Minister, an authority who would not be disavowed, had said, during the progress of the war, that he did not see how England could with justice throw the whole responsibility of that war on the Colony, as the Home Government, having approved it, were to that extent responsible for it. He (Lord Lyttelton) could only repeat that the responsibility of this country for what had been done, and the relief of the Colony from anything like the main share of that responsibility, rested on a broad ground, and was not a matter of detail, though it would be easy to show the war was conducted in many respects against the express opinions of the Legislature. What was undeniable and sufficient was, that this country had retained in its own hands the conduct of the war, and that therefore the Colony was not responsible for it. It was true that at a subsequent date the Colony very reluctantly undertook the charge of the war, but it failed, and had failed up to the present time, to satisfactorily conduct the war on its own resources; and that fact being ascertained, he maintained that this country was bound in justice to assume or resume its share of the responsibility. The present position of affairs was that the Colony had to carry on a great military operation, while it had to bear—according to a letter which was soon to be published, the author of which was a distinguished gentleman connected with the financial department in New Zealand, Mr. Fitzgerald—the utmost possible taxation, so that no fresh impost would add to the revenue. There was also the question of the guarantee, upon which he would not speak with confidence, not having such a knowledge of financial matters as would enable him to do so. But he never could perceive the danger of this country giving the aid of its credit to a Colony of great substantial resources during a time of difficulty. It had been done before in the case of New Zealand, with no bad results: and the writer whom he had quoted stated that if a guarantee on the total debt of New Zealand had been given by this country, it would have saved to the Colony so large a sum annually, that it would have gone far towards paying the cost of the military operations. He (Lord Lyttelton) desired to see the Colonies assume the burden of self-defence, and he conceived that when a Colony paid the whole expense of the maintenance of troops, and had the administration of those troops in its own hands, it in no degree departed from the principle of self-defence. In the Middle Ages, when nations carried on war by means of mercenary troops, it never was said that such countries were not carrying on war on their own resources, although that plan might have been liable to various objections in other respects. He could not approve the plan of fixing a positive time for the withdrawal of the troops, which must depend upon circumstances. Whatever objection there might be to the employment by the Colony of troops which were not of their own population, it was for the Colony and not for this country to judge. The circumstances of New Zealand in this question compared with other Colonies, must be looked upon as exceptional on the grounds he had stated; and in that view, he thought, in strict justice, this country might have even taken upon itself all the expense of the maintenance of the regiment in this Colony, which, however, was not what the Colony asked.

Motion *agreed to*.

House adjourned at a quarter past Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 7th March, 1870.

MINUTES.]—New Members Sworn—Marquess of Bowmont, *for* Roxburgh; Sir John George Tollemache Sinclair, baronet, *for* Caithness.

Supply — *considered in Committee—Resolutions* [March 4] *reported*—Navy Estimates.

Public Bills—*Ordered—First Reading*—Municipal Boroughs (Metropolis) * [65]; Metropolitan Corporation of London * [66]; County of London * [67].

Second Reading—Irish Land [29], *debate adjourned;* Tramways * [54]; Stamp Duty on Leases [59]; Judges Jurisdiction * [60]; Inverness County, &c. (Boundary) * [38].

Referred to Select Committee—Tramways * [54]; Inverness County, &c. (Boundary) * [38].

SOUTH KENSINGTON MUSEUM.

QUESTION.

Mr. SAMUELSON said, he wished to ask the Vice President of the Committee of Council on Education, Whether any steps have been taken during the Recess to provide the increased accommodation required by the School of Mines, the Royal College of Chemistry, and the Geological Survey; whether inquiries have been instituted as to the possibility of economizing space in the building of the New School of Science and Naval Architecture at South Kensington, so that the Jermyn Street and Oxford Street Schools may be transferred and held there, either in combination with the School of Naval Architecture or otherwise; and what progress has been made with that building, and when it is likely to be opened?

Mr. W. E. FORSTER said, in reply, that the best answer he could make to the Question was that Earl de Grey had informed him that it was his intention forthwith to advise Her Majesty to issue a Royal Commission to inquire into the aid given from all sources to the different scientific societies, and to ascertain and report whether they considered this aid could be given with greater advantage. With respect to the amalgamation of the Jermyn Street and Oxford Street Schools with the new School of Science at South Kensington, it would come within the range of the inquiries of that Commission; but until their Report, which would be issued forthwith, was made the present arrangements would continue.

IRELAND—BANKRUPTCY LAW.

QUESTION.

Mr. KEOWN said, he wished to ask Mr. Solicitor General for Ireland, If it is the intention of the Government to bring in a Bill this Session to assimilate the Bankruptcy Law in Ireland to that at present in force in England?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, in reply, that there appeared to be considerable diversity of opinion in Ireland amongst commercial men as to the propriety of assimilating this Session the English and Irish Bankruptcy Laws, or of waiting until next Session to see how the English Act worked. He had also been informed that several commercial men intended to communicate their views to the Irish Government upon the subject, and until that were done it was obvious that it would be impossible to arrive at any decision on the subject of the hon. Member's Question.

BEVERLEY ELECTION— MR. W. H. COOK, Q.C.—QUESTION.

Mr. EYKYN said, he wished to ask Her Majesty's Government, Whether the William Henry Cook, scheduled as a briber in the Report made to the House of Commons by the Commissioners to inquire into corrupt practices at Beverley, is the same person as William Henry Cook, Esquire, Q.C., now one of the Judges of the County Court for the county of Norfolk; and, if so, whether he is not under section 45 of 31 and 32 *Vict.* c. 125, rendered incapable as being found guilty of bribery, of holding any judicial office; and, if in the judgment of Her Majesty's Government the statutable incapacity does not attach without further proceedings, it is the intention of Her Majesty's Government to institute such proceedings as may be necessary in the present state of the Law to subject the person so scheduled to the disqualification imposed in the said Act?

The ATTORNEY GENERAL said, in reply, that there was no doubt as to the identity of the person referred to in the Question of the hon. Member. The second part of the Question was one of very great doubt and difficulty, and he would frankly tell the House how the difficulty arose. By section 45 of the Act

31 & 32 *Vict.* c. 125, it was provided that if any person other than a candidate should be found guilty of any proceeding in which, after notice of the charge, he had had an opportunity of being heard then he should be disqualified. The difficulty was whether his being summoned and heard as a witness complied with the words of the section, "having the opportunity of being heard," or whether the Act did not mean as a person charged with an offence, and having a right, therefore, to cross-examine witnesses called against him, and adduce witnesses in his defence. In one sense Mr. Cook had an opportunity of being heard—he was heard to give evidence; but he had no opportunity of cross-examining the witnesses against him or of adducing witnesses in his defence, or making that defence which a person charged with a criminal offence ordinarily would have an opportunity of offering. It appeared to him (the Attorney General) to be a question of great difficulty whether the Act did apply to the case of Mr. Cook, and it could not be authoritatively decided except by some judicial interpretation. He had no right or power to give any authoritative opinion, and therefore he must decline to give an opinion on the question. With respect to the last part of the Question, it did not appear under existing circumstances to be the duty of the Government to take any proceedings of a judicial character against Mr. Cook.

Mr. EYKYN said, he should, on an early day, call attention to the subject.

Mr. HAVILAND-BURKE said, he wished to ask Mr. Attorney General, If the attention of the Government has been drawn in an official form or otherwise to the committal of the foreman of the jury for five days by W. H. Cook, Esquire, Q.C., County Court Judge, whilst presiding in his official capacity at Norwich; whether the Judge of that County Court was justified in ordering the Registrar to enter a verdict for the Plaintiff before the jury had determined the verdict, which was eventually given for the Defendant; and whether any, and what steps will be taken by the proper authority to prevent the recurrence of such acts?

The ATTORNEY GENERAL, in reply, said, he had taken the opportunity of communicating with the learned Judge of the County Court, and, with respect to the first part of the Question of the hon. Member, he understood that the foreman of the jury was committed, not for anything done by him as a juryman, but that after the trial was over and the jury was *functus officio*, he used some offensive and insulting expression to the Judge, whereupon the Judge committed him for five days, but on the juryman expressing his regret the order of commitment was instantly cancelled. With respect to the second part of the Question, he was instructed that the Judge did not order the Registrar to enter the verdict for the plaintiff. A Memorial had been presented to the Lord Chancellor, and the matter was, he believed, now under his Lordship's consideration.

COMMONS AND WASTE LANDS.

QUESTION.

Mr. VERNON HARCOURT said, he wished to ask the Under Secretary of State for the Home Department, Whether, before the introduction of any further Bill authorizing the inclosure of Commons and Waste Lands, Her Majesty's Government will bring in a measure giving effect to the recommendation of the Committee which sat last Session as to the amendments required in the existing Law?

Mr. KNATCHBULL-HUGESSEN said, in order to show the importance of this Question, he might state that the Inclosure Commissioners had already presented to the Home Office a Bill authorizing the inclosure of between 12,000 and 13,000 acres of commons and waste lands. The Select Committee of last year recommended various alterations in the existing general law, and unanimously adopted a recommendation that no further inclosures should be sanctioned by Parliament until those alterations had been made. He had prepared a Bill carrying out these recommendations of the Committee, and making other considerable changes in the law. The Bill was in the hands of the draftsman, but, looking to the pressure of business, he could not name an early day for its introduction. He was anxious to do so, but until it was brought in the House would not be asked to sanction any further inclosures. After it was introduced, and before it became law, if there should be any proposals for inclosing commons or waste lands, with which, from their peculiar circumstances, it was deemed advisable to proceed, he would take care that permission should not be given without the special reason being assigned and full opportunity given for discussion.

ARMY—BEARDS IN THE ARMY.

QUESTION.

Mr. STACPOOLE said, he wished to ask the hon. Member for Truro, with reference to the statement he has made upon the subject, Whether Officers and Soldiers permitted to wear beards in India, on sanitary grounds, will be compelled to shave them off on landing with their regiments in our colder climate?

Captain VIVIAN: In reply, Sir, to the Question of my hon. Friend, I have to state that, as it has not been considered necessary to sanction the wearing of beards in the Army at home for any sanitary reason, I presume that officers and soldiers on their return from India will be obliged to conform to the Queen's Regulations in that respect.

INCOME TAX COLLECTION.

QUESTION.

Mr. GILPIN said, he wished to ask the Secretary to the Treasury, If his attention has been called to the case of George Furneaux, of Penryn, a collector of Income Tax, to the fact that, having been duly appointed to his office upon making a solemn declaration in lieu of oath, his return of defaulters was objected to, on the ground that its correctness was not sworn to; and whether, if the attention of the Treasury has been called to this inconsistency of the existing Law, the Government will take the needful steps to remedy the inconsistency by legislative enactment, or by giving power to the Treasury in all cases to accept a solemn declaration in lieu of oath?

Mr. STANSFELD said, in reply to the Question of the hon. Member, he had to state that Mr. George Furneaux, a collector of income tax at Penryn, had objected to verifying upon oath his Schedule of defaulters, and had applied to the Treasury to relieve him from that necessity. The Act of Parliament, however, requiring that that the Schedules should be verified upon oath, the Treasury had no power to grant him the relief he sought. The second part of the hon. Member's Question was hardly a departmental one, and therefore he could give no reply to it.

ARMY—RETIRED FIELD OFFICERS OF MILLTIA.—QUESTION.

Mr. JONES-PARRY said, he would beg to ask the Secretary of State for War, Whether he has any objection to the names of retired Field Officers of Militia being retained in the monthly Army List, either in italics in connection with their late Regiments, or in a separate column, as in the case of retired Field Officers of the Army?

Mr. CARDWELL: Sir, in answer to the Question of the hon. Member, I have to state that I have no objection to his proposal, and that I will order such a publication of the names to be made.

ORGANIZATION OF THE CUSTOMS DEPARTMENT.—QUESTION.

Mr. O'REILLY said, he wished to ask the Secretary to the Treasury, Whether the Committee appointed to inquire into the organization of the Customs Department have reported; and, if so, what is the purport of their Report?

Mr. STANSFELD said, in reply to the Question of the hon. Member, he had to state that the inquiries into this subject had extended far beyond the limits originally intended. Several Commissions or Committees had been appointed to inquire into the matter, and had reported or were about to report. The first Commission consisted of Mr. Foster, of the Treasury, and Mr. Scudamore, of the Post Office, and they reported to the Treasury upon the organization of the account branches of the Customs. That Report had been considered both by the Treasury and by the Customs, and most of the proposals it contained had been adopted. One of the results of the adoption of those proposals would be seen in the disappearance of the Receiver General's office from the Estimates. The Reports of the other Commissions would be laid upon the table of the House as soon as they had been presented and considered.

LIQUIDATION OF LIMITED COMPANIES.

QUESTION.

MR. EYKYN said, he wished to ask Mr. Attorney General, Whether Her Majesty's Government are prepared to interfere, by legal measures or otherwise, in order to secure more rapid and economical proceedings by liquidators in reference to the Limited Liability Companies now in course of being wound up, with the view of relieving a large number of persons from the results arising from the protracted proceedings of the liquidators?

THE ATTORNEY GENERAL: In reply, Sir, to the Question of the hon. Member, I have to state that Her Majesty's Government are not prepared at present to introduce any measure upon this subject, and I need scarcely remind the hon. Member that interference in any other manner would be entirely out of the question.

ARMY—THE NEW REGULATIONS.

QUESTION.

SIR ROBERT ANSTRUTHER said, he would beg to ask the Secretary of State for War, Whether, under the new Army Regulations, a subaltern who may wish to sell his Commission will be required to sacrifice any money that he may have paid for such Commission in excess of the regulation price; and, if not, by whom such sum will be refunded to him?

MR. CARDWELL: Sir, it has not been intended by the present proposals to prejudge in any way the general question of the over-regulation prices. The present Estimates provide for a considerable reduction in the number of lieutenants and ensigns, and it was thought expedient to remove the distinction between those two ranks. In doing so it has been proposed to give at the public expense to every future lieutenant who succeeds to his company without purchase, and to advance without interest to every future lieutenant who succeeds to his company by purchase, the sum of £250, which by the Queen's Regulations is now paid at the step between ensign or cornet and lieutenant. In making this proposal it has been limited to the regulation price; and it is true that if, as suggested by my hon. Friend, a lieutenant exercises his right of selling before he succeeds to his company, no provision has been made for paying from the public purse any sum which he may have paid in excess of regulation. It will be for the House, when the Estimate is before it, to determine whether this proposal ought to be proceeded with—that is to say, whether it is, upon the whole, favourable to the interests of the subalterns, and fair between them and the Treasury.

SIR ROBERT ANSTRUTHER: I beg, Sir, to give notice that on going into Committee of Supply upon the Army Estimates I shall call the attention of the House to the injustice which will be inflicted upon the officers of Her Majesty's Army if, in the event of their wishing to leave the service by the sale of their commissions, they are called, by any new regulations, to sacrifice any sum which, in accordance, with regimental practice, they may have paid in excess regulation price for such commissions.

MAJOR ANSON: Seeing that the reply of the right hon. Gentleman is scarcely likely to be satisfactory to the Army, I should wish to put a further Question to him upon this subject. The effect of the speech of the right hon. Gentleman in introducing the Army Estimates has been to put a stop to the whole system of promotion throughout the British Army. Under these circumstances, it is only due to the Officers of the Army that they should be told exactly what is the policy which Her Majesty's Government intend to pursue upon this subject. I therefore wish to know when he will be prepared to state distinctly what that policy is?

MR. CARDWELL: The object of the Government has been to confer, at the public expense, a considerable benefit upon the subalterns. At all events, that has been my object. I shall consider with the attention they deserve the objections which have been raised to the Government proposal, and on Monday next I shall take the opportunity of making a statement upon the subject.

SECURITY OF LIFE IN IRELAND.

QUESTION.

LORD JOHN MANNERS: A week, Sir, having elapsed since I put a Question to the right hon. Gentleman the Prime Minister upon this subject, I now beg to ask him, When he will be prepared to make a statement as to the measures which the Government intend to propose for the better security of life in Ireland?

MR. GLADSTONE: Sir, Her Majesty's Government will state their views with regard to the condition of Ireland immediately after the debate which commences to-night on the second reading of the Irish Land Bill.

NEW SOUTH WALES—POLYNESIAN LABOURERS—QUESTION.

ADMIRAL ERSKINE said, he wished to ask the Under Secretary of State for the Colonies, If a late Report made by a Commission of the Legislature of New South Wales, on the subject of the deportation and importation of Polynesians as labourers, has been received at the Colonial Office; and, if so, if he will have any objection to lay the Report, and any Papers connected with it, upon the Table of the House.

MR. MONSELL said, in reply, that the Report referred to by the hon. and gallant Member had been received at the Colonial Office, and that there would be no objection to lay it upon the Table. With regard, however, to the Papers connected with that Report, seeing that the evidence alone occupied ninety closely printed pages, he thought that it would hardly be necessary to lay them upon the Table. The hon. and gallant Member, however, could have an opportunity of inspecting them if he desired to do so.

INTERNATIONAL COINAGE.
QUESTION.

MR. J. B. SMITH said, he would beg to ask Mr. Chancellor of the Exchequer, Whether any communications have taken place between the French and English Governments upon the question of establishing an International Coinage since the date of the Report of the Royal Commission on International Coinage; and, if so, whether he will have any objection to lay the Correspondence before the House?

THE CHANCELLOR OF THE EXCHEQUER: In reply, Sir, to the Question of the hon. Member, I have to state that there have been communications on this subject between the French and English Governments, and that I shall have no objection to lay the correspondence upon the table.

ARMY—MEDICAL REGULATIONS.
QUESTION.

MR. RAIKES said, he would beg to ask the Secretary of State for War, What steps, if any, will be taken to secure to Medical Officers serving on the West Coast of Africa those advantages which were guaranteed to them by the Warrant of 1858 and the Medical Regulations of 1859, afterwards embodied in the Warrant of 1866, but of which they have been deprived by the construction now put upon the Warrant of 1867?

MR. CARDWELL: Sir, there has been no change in the practice which ever since 1858 has permitted medical officers on the West Coast of Africa to count every year for two towards promotion and retirement. The rule never extended to allowing them to count it so for the advancement to the style of surgeon major, and it is not any construction of the Warrant of 1867, but the express words of that Warrant, which establish the rule, in accordance with what has always been the practice.

MR. RAIKES: I beg to give notice that upon an early day I shall take an opportunity to call attention to the hardships endured by these medical officers, and to move a Resolution upon the subject.

STAMP DUTY ON LEASES BILL.
QUESTION.

MR. HADFIELD said, he would beg to ask Mr. Chancellor of Exchequer to postpone the Second Reading of this Bill, in order that time may be given for the further consideration of the measure?

THE CHANCELLOR OF THE EXCHEQUER replied, that he had been urged strongly to lose no time in bringing this measure forward, and he had, therefore, done everything he possibly could to bring it forward; at the same time he wished to do what would be most agreeable to everybody; but bearing in mind what hon. Gentlemen had said the other night, and that the majority were desirous that the Bill should be pressed forward, in his anxiety to be popular he must obey the mandate of the majority, and must therefore decline to comply with the request of the hon. Member.

LAND TENURE ON THE CONTINENT.

QUESTION.

MR. WHITWELL: Sir, I beg to ask the Secretary of State for Foreign Affairs, Whether he is able to state how soon the Government will lay before this House the important information collected by our Diplomatic Representatives abroad on the subject of Land Tenure on the Continent?

MR. OTWAY: Sir, I regret very much that the Papers have not already been presented. They are very voluminous, and they were prepared in reference to the question of the tenure of land in Ireland. I trust that in a few days they will be in the hands of hon. Members.

IRISH LAND BILL.—[BILL 29.]

(Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.)

SECOND READING. FIRST NIGHT.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—*(Mr. Gladstone.)*

MR. BRYAN: In moving the Amendment of which I have given notice—"That the Bill be read a second time this day six months,"—I cannot disguise from myself that I am incurring a grave responsibility in asking the House to reject this Bill in its present stage, and thus to deprive hon. Members of an opportunity of making in Committee Amendments so as to meet the wishes and expectations of the Irish people. But, on the other hand, I must say that there is an almost universal feeling on the part of that country that the Bill will fail in its object, unless the Government are prepared to receive Amendments of so serious a nature as almost to alter the principle of their Bill. I am sure that there is hardly an hon. Member in this House who does not feel that the time has arrived for a settlement of this question, and that the settlement this time should be final and satisfactory in every respect. At the same time I can assure the Government that after they have heard the objections urged against this Bill by myself and those Gentlemen who act with me, and which I would fain say represent the feelings of the Irish people, I can assure them that if they find that they can meet in any way the views I have referred to, we shall only be too delighted to withdraw our opposition and go fairly and frankly with them into Committee on the Bill. Parliament must be well aware that there is now a crisis in the affairs of Ireland. [*Laughter.*] Why should we disguise the fact from ourselves? Disaffection extensively prevails, and in parts of Ireland—in many parts of Ireland I would say—there is no safety for life or for limb. The Parliament of England undertook seventy years ago the management of Ireland, and, by consequence undertook to protect all peace-loving subjects; but up to this time you have failed to do so, though I will say that coercion has been extentively used. You have now a golden opportunity of settling Ireland without resorting to force, by passing a good Land Bill, but it must be a sufficient Bill. While on this subject I would beg in all respect to remind the right hon. Gentleman at the head of Her Majesty's Government of an eloquent sentiment I heard him use in the House a short time ago. I think it was in the debate on the extension of the franchise. Now these were the words, as far as I remember—

> "Give to the people with an ungrudging hand; secure their confidence and their love; and it will be more to you than your gold and your silver; more than your armies and your navies."

Now, I would humbly suggest to the right hon. Gentleman to apply that sentiment in his dealings with Ireland at the present moment. One of the great faults found in the Bill by the people of Ireland is the partial and local legislation contained in Clause 1 of the Bill; and the House may rest assured that no legislation upon this question will satisfy Ireland that does not give perfect equality to all parts, and one common law in form and in substance. I am very far from wishing it to be understood that I think that in the present Bill Ulster has the best of the legislation; because I cannot discover in this first clause any proviso which hinders the Ulster landlord from raising his rents to any amount which he may choose, and thereby putting an end to the Ulster or indeed any other custom. I cannot discover anything in the Bill of that nature. It is a well-known fact that on the different estates in the North of Ireland, there are different customs prevailing. On some estates five years' rental is supposed to be a sufficient price for the occupancy, goodwill, and the improvements. On other estates higher prices prevail. On others again there is, I believe, no limitation; the tenant carries his holding into the market, and sells it to the highest bidder, without any objection on the part of the landlord. With these great diversities the customs will of course be very difficult to prove, and, consequently, I think an immense deal of litigation will spring up. Now, if Her Majesty's Government would define a tenant-right, if they would consent to give a definition founded upon the ancient Ulster custom, as laid down by a very eminent legal authority — I allude to Mr. Butt—[*Laughter.*]—Hon. Gentlemen may cry "Oh!" but I believe that Mr. Butt is regarded, at least, in Ireland, as a very high legal authority, and with the permission of the House, I will read Mr. Butt's definition of an ancient Ulster custom—

> "A custom which entitles the occupier of land to hold at the ancient and accustomed rent, subject only to variation for change of circumstances, independent of the tenant's improvements, making that rent no longer a fair representation of the value of the original demise, with the right to the occupier of selling the interest to which the custom entitles him."

Now, if the Government will frame a definition of tenant-right, founded on something similar to that in the Bill now before the House, I feel that it would give perfect satisfaction in the country. The Prime Minister has said very recently that insecurity of tenure was the bane of Ireland, and it is natural to suppose that in a measure brought forward by him as a panacea for Ireland he would introduce some provision in order to remove that bane. But when I come to look for it in the third section, I find a sort of sliding scale of damages; which, I presume, is supposed to give a certain amount of security to the tenant. But in practice it will be found wanting, and the right hon. Gentleman the Chief Secretary for Ireland knows it. The highest scale, which is that for £10 and under, will entitle the occupier, if he receives the maximum, to an award from the Court of seven years' rent; but that will not hinder the landlord from changing his tenant whenever he choses, because now, without any security and without any local machinery, the goodwill of a farm of that description is worth considerably more, and more can be got for it not only in Ulster, but in Munster and Connaught also. In this respect, therefore, the Bill fails. Again, the landlord has the power, by tendering a thirty-one years' lease, to absorb all improvements except those that come under the titles of permanent buildings suitable to the holding, and the reclamation of waste land. But I need not remind the House that a man who holds from seven to ten acres of land does not as a rule erect very extensive buildings, nor is he likely to reclaim a large area of waste land. Sir, the time is past when the Irish land question can be settled by a scheme for granting leases for thirty-one years. The vicious principle of the Bill is this—that capricious evictions are sought to be removed — not by directly touching the tenure, but by proposing a scale of pains and penalties, with the object of deterring landlords from what is deemed unjust; but the frightful competition for land in Ireland is such that no scale that could be framed by this House would be sufficient to hinder capricious evictions. Another practice that bears hardly on the Irish tenant is the law of distress. The Bill ought certainly to do away with that. Again, the second section of the Bill—that which relates to labourers—is extremely objectionable. I consider it to be an imperative necessity that the labourer should be placed in the position of holding directly from the landlord, and not from the farmer. I can assure the House that of the two I would rather see the tenant left at the mercy of the landlord than the labourer at the mercy of the tenant-farmer. The Bill, as it now stands, assuredly does not fulfil the aspirations of the Irish people, as expressed in twenty-eight influential meetings held in different localities. You may pass it into law as it stands, but if you think that it will quiet the disaffection that prevails, and satisfy the country, I warn you that you grossly deceive yourselves. Possibly, if the Government adhere strictly to the objectionable clauses, we, who oppose the Bill, may go into the lobby in a miserable minority; but recollect that, although we are few in number, we have with us that Irish people for whom you are attempting to legislate. It is because I am of opinion that if this Bill should pass in its present shape, litigation and consequent ill-feeling would be perpetuated between the two classes of the community which, beyond all others, ought to live in concord and unity; and, also, because I feel that the just demands of the Irish nation must be met, that I oppose this Bill, and that I now move that it be read a second time this day six months.

CAPTAIN WHITE: Sir, it is with feelings partly of hesitation and partly of confidence that I rise to second this Amendment. I hesitate only because I am fully aware of my incapacity to command the attention of the House even for a few minutes; but I am confident because I feel that, as the representative of one of the largest agricultural counties in Ireland (Tipperary), and one that is almost always brought prominently forward whenever a discussion takes place on Irish affairs, and also as the representative of a large body of tenant-farmers in the South of Ireland, I shall obtain at the hands of the House a patient hearing, while I endeavour to give expression not only to the opinions held by that constituency and by those tenant-farmers upon the measure now before the House, but also the conclusions at which I myself have deliberately arrived. It may be said, Sir, that I hold extreme opinions upon the subject. Well, my opinions may be wise or unwise, they may be reasonable or unreasonable, but this, at least, I can say, that they have not been arrived at through the usual channels of agitation, through any pressure or coercion on the part of my constituents, or through what, is perhaps, the commonest channel of all—the fear of losing my seat. As to agitation, I can fairly say that I have declined to take any part in any agitation whatever, and that I have never attended a single meeting, or taken part in any public discussion on the subject since the Government announced their intention of introducing a Bill on this subject. As to coercion on the part of my constituents, I believe that not even one of them is aware of the course which I consider it my duty to take; and as to the fear of losing my seat, if hon. Gentlemen could realize how lightly I for one regard the advantages which are supposed to attach to a seat in this House, they would come to the conclusion that that consideration had little influence on my conduct. The conclusions at which I have arrived are the result of conviction, and of conviction alone. I am sure I speak for my hon. Friend (Mr. Bryan) as well as myself when I say that we have felt to the full the importance of the step which we are taking, and that we have been fully impressed with the gravity and even the solemnity of the present issue, and the responsibility we have undertaken. We have not decided upon our present course of action without due consideration and reflection. It may be said, and I know it is felt already, that I hold extreme opinions on the land question. I hold, and I do not hesitate to avow it, that there is nothing that will satisfy the people of Ireland save what I would call sweeping legislation. I cannot help being struck and even amused at the manner in which hon. Gentlemen opposite, and those who think with them, in discussing this point of "sweeping legislation," arrogate to themselves the sole right to a crown of martyrdom. One would think on hearing them speak both in public and private—both inside that House and outside, that they were the only landlords in Ireland, and that upon their heads alone all the pains and penalties of such legislation must of necessity fall. I must beg the House to bear in mind that this is by no means the case. There are, I am proud to say, landlords in Ireland who are content to regard this question not from a purely selfish point of view. There are landlords in Ireland who are not content to nail up the old doctrine *Ego et præterea nihil,* but who recognize the fact that the tenantry who have been placed, so to speak, by the Almighty under their care, have equal claims with themselves to the rights of citizenship—have an equal right with themselves to live and die in the land in which they were born, and have an equal right with themselves to the full enjoyment of that perfect safety and stability without which there can be no enjoyment of life. I have to apologize for dwelling so much upon my personal relations to this question; but I felt it was due to myself to do so. No man can feel more deeply, more personally, more pecuniarily interested in the result of its discussion than I do. Every shilling that I can hope to possess—every shilling that all those who are nearest and dearest to me can hope to possess—must be derived from Irish land, and from Irish land alone; and yet I say unhesitatingly, that there is hardly any proposition which has yet been mooted to settle this question to which I would not give my consent, provided that I believed it would secure the peace, the contentment, the prosperity, and, above all, that which I hold before my eyes as the one great desideratum, the loyalty of the people of Ireland. It is my firm and unchangeable belief that the Bill which the Government have brought forward will utterly fail to secure these much-to-be-desired results. I know that there are hon. Gentlemen who sit beside me, and who share to the full my political convictions, who consider it their duty—I have no doubt conscientiously—to go into the lobby with the Government for the second reading of this Bill. But why do they do so? Only in the hope—the delusive hope—that they may be able so to alter, to amend, to extend in one direction and curtail in another, not only the details, but the very principle and essence of the Bill, as to make it an acceptable measure. I freely confess I do not share in that hope. I confess it appears to me to be a delusion. I see on the Treasury Bench perhaps the strongest Ministry that ever governed the country, backed by the strongest majority that perhaps any Minister ever commanded—aided and supported, I believe, also by the majority of the comparatively small Opposition; and I foresee that the hope of being able to recast the Bill in Committee will be delusive. I foresee that this Bill will pass, section by section, through Committee, and that on the third reading those hon. Gentlemen will have to express their disappointment, by accompanying my hon. Friend and myself into the lobby. That may or may not be; but I know what my opinion is, and I have thought it my duty in this marked manner, and at this early stage of the proceedings, to enter my solemn protest against the assumption that this Bill can by any possibility be accepted by the Irish people as a solution of the land difficulty of Ireland. It will be said—and I have no doubt it has been already thought by the right hon. Gentleman and the Ministry — that the tenant-farmers of the South of Ireland are unreasonable, in that they decline to accept the relief held out to them under the provisions of this Bill. I cannot think that they are so unreasonable. Can they be called so unreasonable when they say and complain that the old spirit of ascendancy, which they thought was dead in the land, is not yet laid at rest? when they can say that this Government, which, if it emblazoned anything on its banner, emblazoned the words "equality as regards Ireland," yet deals with their Protestant fellow-countrymen in the North more delicately, more tenderly, and more lovingly than with themselves? I am stating my own opinion—I have been often differed with, and I do not agree with the hon. Mover of this Amendment—when I say I believe the North is far better dealt with than the South. Can it be said that they are utterly unreasonable when they say that the Government has held out with one hand to the North a comparatively perfect system of security of tenure, while to the Roman Catholic South it holds out a labyrinth and network of litigation? Can they not say, then, that the advantage will be all on one side, when they see that the weakest—that is, the poorest—will go to the wall—when they see that the plain statement of the tenant-farmer will be pitted against the specious arguments of the cleverest and shrewdest pleaders? I do not see that they are unreasonable; and although I may not have been directly authorized by my constituents—for, as I said before, they are unaware of the course which I have felt it my duty to adopt — still I will, with the permission of the House, and again apologizing for having perhaps wearied them — very briefly and very lightly touch upon some of the salient points to which they take exception. They complain, Sir, first, that it is an arbitrary and unjust thing that in the open court of arbitration, where a landlord and tenant are at issue—where, we will say, for the sake of argument, the tenant is getting the better of the case—that, even at the very moment when the presiding barrister may be about to give a decision in the tenant's favour, the landlord or his agent can step in and put an end to the whole proceeding by the mere tender of a thirty-one years' lease. They complain that a thirty-one years' lease does not give reasonable and fair safety to the tenant. They complain that the Bill makes no provision against rack-renting —that it makes no provision against the ruinous system of high bidding and high rents; and they complain above all, as was stated by my hon. Friend, that the occupancy compensation scale does not place a barrier against arbitrary evictions; and that for these simple reasons—that in consequence of the almost maniacal eagerness for the possession of land in Ireland, and in consequence of the extraordinary competition for land, it will be the easiest thing in the world for the landlord to evict as before, and to make the incoming tenant pay the compensation to the one evicted. They complain, in short, that the Bill does not give reasonable and fair stability or safety of tenure. They say—and I think they may be pardoned for saying—that, until a Bill is propounded that will give a reasonable and fair system of tenure at fair rents there cannot be a satisfactory settlement of the land difficulty in Ireland. There is a universal cry for security of tenure at fair rents. Well, Sir, right hon. authorities in this House have denounced that as a transfer of one man's property to another. ["Hear, hear!"] I have no doubt the House is not favourable to that proposition; but in my humble opinion a greater bugbear never was invented to strike unreasoning terror into men's minds. But what is there in the thing itself which is really formidable? What is security of tenure? But perhaps I ought to use some other term, because there is some extraneous idea attached to the word which makes it objectionable. I will therefore call it stability of tenure. Now, what is it? Is it not the practical recognition by law of that which, from the very justice of its nature, is at this hour the common custom on half the well and humanely managed estates in the Empire? How many hon. Gentlemen are there who hear me who know of their own knowledge of farms which have been for generations in the same family? The right hon. Gentleman (Mr. Disraeli) the other night spoke of this as a theory, and referred to its mischief. Well, Sir, I trust that the right hon. Gentleman may live long enough, and enjoy life long enough himself, to pass a measure embodying that principle through this House. During my short Parliamentary experience of only four years in this House, circumstances have occurred which make that neither impossible nor improbable. No doubt fixity of tenure pure and simple by itself, without any provision, would be the greatest injustice; nobody denies it. But where has fixity of tenure pure and simple ever been asked for, even at any meeting in Ireland where the wildest agitation has prevailed? Wherever that has been asked for, it has always been guarded by the right of eviction in event of non-payment of rent and in the event of subletting, together with a periodical—say a septennial—re-valuation of the land. That may be a transfer of one man's property to another. I have no doubt, from the high authority on which it has been stated, that it is so; but in my humble opinion, I am not at all sure it is not the proper basis on which all land tenure ought to be held; while, as regards Ireland under its peculiar circumstances, I have no doubt whatever on the point. Sir, I have done. I have completed what to me has been a painful task, namely—that of temporarily severing myself from the party to which I have given my uniform support for four years. I can only say, speaking most seriously and most confidently, for my hon. Friend as well as for myself, that we have been animated in the subject which we have taken up by no spirit of faction. What we have done we have done because we believed conscientiously we could not in any other way fulfil our duty to those who sent us here. For my own part I can say that I have felt, and feel now, that it would be impossible for me to give even the semblance of approval to the measure of the Government. I look for a verdict of condemnation or approval only to those to whom alone I am responsible; and I beg—though with sincere regret—to second the Amendment, that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bryan.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. O'REILLY-DEASE said, that any person who had perused the somewhat monotonous and certainly melancholy history of Ireland from the year 1641 to the present time, must have been struck by the constant presence of one phenomenon—that a large number of the people in Ireland were always ready to support any movement that had for its object the overturning of the settled law and order in the kingdom, whilst they were to a great extent indifferent as to what, if anything, was to be established in their place. That feeling was usual in all countries amongst what were called the dangerous classes, but in Ireland a large number of those who were ready to act thus belonged to the industrious population who might be called the bone and sinew of the country. In the Great Rebellion of 1641 the Irish gentry rose in defence of the King and order, but when in the field they quarrelled among themselves, pulled different ways, and they did not gain the support of the people. He might appeal on this subject to the hon. and learned Member for Cork (Mr. Maguire), who was lineally descended from one of the political victims of that epoch, Lord Maguire, who was beheaded on Tower-hill for the share he took in the insurrection, and who stated at the place of execu: tion that the failure was mainly to be attributed to the want of unity on the part of the disaffected population. The same chronic feeling of discontent, and consequent insecurity of life and property had continued from that period downwards, and kept Ireland in a state of *quasi* anarchy. At last the matter was taken up by English statesmen. He believed there were now Gentlemen on both sides of the House who were determined to look the unclean thing in the face, to devise a remedy once and for all, to lay the axe to the root of the tree of Irish discontent, and thus endeavour to establish an era of peace and prosperity. A measure had been framed by a Cabinet not less brilliant than any Cabinet that had ever guided the affairs of this country, and presided over by an individual whom the general opinion of Europe would warrant him in pronouncing the greatest statesman of the age. It was not to be wondered at that the measure produced under such auspices should be wise, comprehensive, and statesmanlike; but unquestionably it had many shortcomings, many omissions. He would not follow the objections either of the hon. Mover or of the hon. Seconder of the Amendment, for he thought that these could more properly be discussed in Committee; but there was one omission in the Bill so serious, and from which he had so grievously suffered, that, if the House would permit him, he would refer to it. In every civilized country limitations with regard to the sale and transfer of land were more or less objectionable, but in Ireland they were particularly mischievous. The land was limited in quantity, while the population was very numerous. As the law stood at present, it was no man's interest to develop the industrial resources of the land to the uttermost; and it frequently happened that no man would sow that which he was almost certain never to reap. The property from which he derived his means of living was held under limitations so onerous, and restrictions so odious, that he would gladly have alienated it at a price much below its value to get rid of what he felt to be an intolerable burden. But he could not relinquish the property, because that would have been to give a premium to crime. The actors who created that evil state of things in his case had long passed from the stage, and their evil works had perished with them, but they had cast a dark shadow over his life. He spoke in the presence of more than one hon. Member of that House, of whose family history, these facts which he had alluded to, formed a part. To inaugurate the expected era of peace and prosperity these restrictions must be swept away; and as we had free trade in corn we ought to have free trade in land. On the whole the Bill was a good one as far as it went—skilfully drawn, and honestly intended; it might be sifted in Committee, and he hoped it would be carefully worked out. For these reasons he believed he should best perform his duty to his constituents by giving to the second reading his humble but unhesitating support.

Sir HERVEY BRUCE said, he hoped that as he was one of those well acquainted with that part of the country which would give rise to a good deal of discussion, the House would bear with him while he made a few observations. First of all, he agreed with the hon. Member for Kilkenny (Mr. Bryan), who moved the rejection of this Bill, on that part of his observations which referred to the way in which the cottiers were provided for. But he did not agree with the hon. Member for Tipperary (Captain White) in his low estimate of a seat in that House. He (Sir Hervey Bruce) looked upon it as a great honour.

Captain WHITE begged to explain that he did not say that he held a seat in that House in low estimation; never was anything further from his thoughts. He distinctly repudiated such an expression. What he said was, that he lightly esteemed the personal advantages—and there were personal advantages—connected with a seat in that House.

Sir HERVEY BRUCE said, he regretted that he had misunderstood the hon. and gallant Gentleman, and he at once withdrew the observation he had made. He felt that the question now before the House was not a party question; he did not intend to enter upon it as a party question, and that he had no party object to serve he would prove at once by stating that it was his intention to support the second reading of the Bill. But it was impossible to read the speech of the right hon. Gentleman the First Lord of the Treasury in introducing the measure—a speech which he regretted the duties imposed upon him in another place by the right hon. Gentleman's measure of last year prevented him from hearing — without feeling, brilliant as was the language of the right hon. Gentleman, that there was much to regret in the opening part of his speech, in which he gave reasons for introducing that measure. The one-half of that speech was one great indictment against the landlords of Ireland, but bearing more hardly on those who had recently obtained property than on those who had held it longer. He might quote the opinion of a Gentleman whose return to this House both friend and foe would hail as a means of enlivening their often dull debates—he meant the hon. Member for Waterford (Mr. Bernal Osborne), who said he did not like to hear language used in that House parleying with the assassins of landlords. He (Sir Hervey Bruce) thought that much of the right hon. Gentleman's language might be read as an excuse for those who had brought anarchy and confusion upon that unhappy country, and, he feared, it would tend to prolong the period before they could have peace, He thought before this Bill was introduced the right hon. Gentleman should have endeavoured to tranquillize Ireland—to make life and property secure, and then they would be in a better position to consider the provisions of this Bill. The right hon. Gentleman accused the Irish landlords of not attending to their local duties. He did not know where the right hon. Gentleman got his information; but he (Sir Hervey Bruce) had lived on both sides of the water, and he could say that if the right hon. Gentleman would examine the record of the Petty Sessions or the Poor Law Boards, he would find that the Irish landlords attended to their duties in a far greater proportion than was the case with their English brethren. Then the right hon. Gentleman said that the value of labour was decreasing in Ireland. Here again he did not know where the right hon. Gentleman got his information; all he knew, after practical experience as an employer of labour was, that during the last ten years in Ireland, wages were steadily increasing. Year by year he was obliged to raise the wages of the labourers on his estate, or they would go elsewhere. And he rejoiced at it. Then the right hon. Gentleman talked of the price of wheat having decreased while the price of oats had increased. But did the right hon. Gentleman suppose that the Irish labourer was so stupid that he did not know the value of wheat as well as the Englishman? He would assure the right hon. Gentleman that the Irish labourer, who in the old time lived on potatoes, now often indulged in the luxury of white bread; and large numbers of bakers' carts were now to be seen continually on the road where in his (Sir Hervey Bruce's) younger days there was not one to be seen. The hon. Member for Tipperary had talked of discontent. He was afraid that those whom the hon. Member represented, and to whom he was pledged, would be always discontented until they got that which the hon. Member repudiated in principle, but which he praised in effect—fixity of tenure. Till they got that, this measure, and every other measure, thrown out as a sop from the Treasury Bench, would be held to be so much waste paper, as the people were led to believe that if they only clamoured loudly they would get their demand at last. The right hon. Gentleman had certainly brought in a comprehensive measure, and, in some respects, a good measure; but in many other respects it was bad, and it was only in the hope that it would be amended in Committee that he gave his support to the second reading. The right hon. Gentleman had made no allusion to the causes which had made the demand for land in Ireland so great; nor had he alluded to any means of bringing back to that country that commercial prosperity of which it had been deprived by past legislation, and which it could not recover without fresh legislation. He knew political economists would say that a country's prosperity must stand or fall without peculiar legislation; but if Parliament was going to legislate in a peculiar manner with regard to land, why not endeavour to do something to render the people content to live in their own land, instead of allowing that miserable competition for land which was rendering them in a great degree discontented, as past legislation had driven from Ireland all other occupation? Now, with regard to the Bill itself, the first clause related more particularly to that part of the country with which he was connected. He knew of nothing more difficult to define than what was called "tenant-right." In every county, and almost on every estate, a different practice prevailed. In one place a tenant might be allowed to purchase, and give an unlimited price, the landlord looking on and approving. He was not going to say that the landlord committed a grievous wrong on the tenant. He thought that if he was able to turn a tenant out after giving a great price, without giving the tenant something in return, he would be committing a grievous wrong. Again there were cases in which there was only a limited tenant-right. On some estates a certain number of years was allowed. And in many cases, even in Ulster, nothing at all was given. With respect, then, to the Ulster custom of tenant-right, if it was to be extended all over Ireland, as some hon. Gentlemen demanded, he should like some explanation of what really was to be extended, and then hon. Members would be better able to determine what measure of support they would give to that clause in Committee. He would state a case of his own to show the difficulty that would arise under the Bill. Being unable to cultivate his own farm at a profit he had let it to his steward, who had farmed it many years and had not improved its condition. Now what was he to give that tenant who had made the farm worse than it was when he entered upon it. Local custom would not give the occupier tenant-right, but custom elsewhere might do so; and how were they to know what custom was? Then, with respect to the arbitration clauses, he would ask were they likely to produce goodwill between landlord and tenant. He fearlessly answered no. He supported the Bill—while entirely differing from the principle on which it sought to legislate between landlord and tenant—on the ground that on both sides of the House great expectations had been raised in the minds of the tenants. These expectations had been so raised that some legislation was absolutely necessary. The Earl of Mayo had introduced a Bill which he would not say was better than this, but he was bound to say that on that (the Opposition) side of the House no language had been used which accused landlords of felony, which was calculated to bring them into contempt, or which would make their lives unsafe. The hopes that had been held out on that side of the House were of some legislative measures calculated to better the condition of the people. He gave his support to this Bill, though based on a bad principle—on the ground of expediency. He would repeat that the proposed arbitration courts were not likely to produce a good feeling between the landlords and the tenants. In all countries there was a class of small attorneys looking out for jobs. Many of these gentlemen, knowing little of law, but well versed in quibbles, would endeavour to bring landlords and tenants into the courts, when, if left alone, the parties would be able to settle their disputes without much difficulty. The right hon. Gentleman had referred to the number of evictions that had taken place, and when the proper time arrived the real number might be ascertained. But it could be shown that the number was comparatively small. He knew that on his estate there had been none for thirty years, except for non-payment of rent, and then only in rare instances. The hon. Member for Kilkenny (Mr. Bryan) had referred to that part of the Bill which related to labourers' cottages. Now, in what position would the labourer's cottage half-acre clause place the landlords? He (Sir Hervey Bruce) believed that the labourers required legislation for their interest and benefit far more than the tenants. The tenants, except those who ought to be labourers, were able to take care of themselves; but he pitied the poor labourer when he came into the clutches of the tenant. He knew by experience the hard manner in which labourers were treated by tenants. The land was let to the tenants at what they called a high rent, but it was sublet to the labourer at four or five times that rent. This Bill put the labourer still further in the power of the tenant, and made much greater the difficulty which the landlords now had of getting any control over the condition and comfort of the labourers. He would endeavour to show the difficulty in which a landlord would be placed if the Bill should pass in its present shape. Upon one of his own farms, the rental of which was £60 or £70 a year, the eldest son of the tenant, on his marriage, built a small place in which to live. He (Sir Hervey Bruce) knew nothing of the matter until the place was occupied. Now, it would have been considered a grievous thing if he had turned out that man. But what happened? The father died, and then it was found that the farm had been divided between father and son, and the question arose whether the son or the widow was to have the farm, or whether it was to be divided between them. How could such difficulties be avoided if the Bill contained a clause empowering tenants to give half-acre plots to labourers? It would be far better for the labourers if Parliament turned its attention to putting them under the control of the landlords rather than that of the tenants. If the landlords were able to give half-acre plots a greater benefit would be conferred on Ireland than it had received for many years. Then with regard to the grand jury cess, the landlords with a large number of these small tenants on their estates would be placed in a most disadvantageous position. They would be unable to make any arrangement with the £4 tenants without paying, perhaps an almost fabulous sum, and would have to pay a larger sum every year without any means of redress. He thought the county cess ought to have been dealt with in another Bill, previously to the introduction of the present Bill, and then the landlords might have been able to make equitable arrangments. Then with regard to another part of the Bill—that which allowed tenants to buy from the landlords when the landlords were willing to sell—the provision was very faulty, and he did not see how it would work, unless a landlord was the complete and absolute owner of his property. He saw no machinery in the Bill by which a landlord, with an encumbrance on his property, could sell in detail the small portions which tenants might wish to buy. He ought not to overlook an Amendment which had been placed on the Paper, to the effect that if a tenant wished to sell the landlord should not prevent his doing so to any tenant who might appear to be solvent, unless the landlord gave a very good reason or became the purchaser himself. In what position would this place the landlord? On an estate where unlimited tenant-right was allowed he had known as much as forty years' purchase given; and the price was very often from fifteen to twenty years' purchase. A landlord might be offered a tenant who was objectionable in many ways; he might be a Ribbonman, whom the hand of justice could not touch, or he might be a man who had threatened his landlord, and yet he must be accepted as a tenant unless, forsooth, the landlord was willing to give twenty years' purchase to the outgoing tenant. Justice had been appealed to, but he asked for justice for one class as well as the other. He would be the last to advocate the view that any man who had expended his capital upon a farm should be at the mercy of even the best of landlords. He admitted that in some instances advantage had been taken of the tenants by the new purchasers, but in very few. In his part of the country, thank goodness, advantage was never taken of the tenants, and the tenants preferred to live under the good old custom of their forefathers, many respectable and well-doing tenants of his having refused the offer of leases. And though some few had been taken, yet the thirty-one years' lease offered by this Bill was considered a delusion and a snare. If the Mover and Seconder of the Amendment would be but reasonable in their demands they would get a wider and larger measure of justice than by opposing the second reading of the Bill, for the Bill was one which would give to the tenant great and substantial justice, and would only deny the demands of those who would be satisfied with nothing short of the land becoming their own. If the hon. Gentlemen believed that they could obtain a measure which would give the land to the tenants and turn the landlords out of the country he was sorry for their understanding and that they did not better know the principles which prevailed in this House. From his speech it seemed that the hon. Member for Tipperary was well aware that what he asked for would not be given. He (Sir Hervey Bruce) hoped that this Bill would pass—but in a modified, a corrected, and an improved form—that it would be made a measure of substantial justice to Ireland, and that the right hon. Gentleman the First Minister of the Crown would then tell agitators that Ireland was no longer to be kept in a state of disquietude, and that disturbance and murder would no longer be allowed to continue without punishment. When the right hon. Gentleman did that, and the people understood him to be in earnest, a happier day would dawn upon the country. He (Sir Hervey Bruce) hoped an allwise and beneficent Providence would so guide their deliberations that what they now did might be both just and honest.

Mr. BAGWELL said, the First Minister of the Crown had referred in his speech on the first reading of the Bill to the great measure of last year which dealt with the Irish Church. He trusted the right hon. Gentleman would take warning from the little effect which a great measure of justice had had in Ireland when the Irish people considered it faulty in its details. Unless it could be shown that this measure would benefit the people it might fall as short of really benefiting them as the measure of last year had done. He was aware that great pains had been taken in drawing this Bill, and he was certain that the Government had been sincerely anxious to bring forward a measure which would satisfy Ireland and give peace to the country; but he was sorry to say that the Bill was too clever by half. It was so full of details, and so confused altogether, that a tenant could not find his way through the maze of difficulties. There were so many different ways provided for giving the tenants what they wanted that it would be hard for them ever to get at it, or to comprehend the Bill at all. He was glad the right hon. Gentleman had given up the phrase "fixity of tenure," because the people of Ireland had been led too often by the speeches of those high in Office to believe that they were to become the owners of the soil under that phrase. What the people had long wanted was security. They desired that it should not be in the power of any individual, or number of individuals, to drive them from their homes — that so long as they chose to remain on the land of their birth, and were able to pay their way they should be allowed to do so. They did not want to be told that they were poor and miserable, and would be much better off if they emigrated to America or Australia. If a man chose to go we might give him advice, or help him materially; but we had no right to tell a man he must leave the land of his birth whether he wished to do so or not. The country had come to its present condition owing to people being driven out of it. The Bill proposed to remedy the existing state of things. Lately, the people in the South of Ireland had been asking—"Why not give us the tenant-right of the North?" But the tenant-right of the North was so mysterious and extraordinary that if the people of the South knew what it was he believed they would be sorry to see it introduced among them, and if Parliament defined tenant-right in the North they would thereby destroy it. The plan he advocated was this—The people wished to remain on the land, and the landlords wished to get their rent out of the land, and these were two fair objects, one quite as fair as the other. Instead of this large and complicated measure he would provide that every man in Ireland holding a farm, whether large or small, of *bonâ fide* tillage ground, should be entitled to have a lease for thirty-one years, on the basis of the present rents, and when twenty-eight years of the term had run, it should be in the power of either party to propose a new arrangement for a renewal when the first lease should have expired. In case of their not agreeing, the dispute should be settled by a court of arbitration, and at the end of the thirty-one years a new lease should be given for the same period. The tenant would thus have in reality that perpetuity of tenure, which, under the name of "fixity of tenure," seemed so very objectionable. He could speak practically on this question, for he had managed his own estate in Ireland, among a very varied population, the estate containing various descriptions of land, much of it let to a number of small holders. He had always found that so long as the tenants of Ireland were led, they were the easiest people to manage imaginable, but they were the worst people to attempt to drive. A large proprietor in Ireland, who was a sensible and clever man, had told him that if the Bill passed in its present form he would have to keep an attorney to collect his rents, look after his estate, and do his business in the court, for it would be impossible for any non-professional man to manage an estate under such a measure. He (Mr. Bagwell) very much agreed with that opinion. The Roman Catholic clergy had in many places been very energetic against the Bill. One of them had said that it must have been drawn up by the devil's attorney; and certainly it was likely to prove a most lucrative measure to the legal profession. Another gentleman of great eminence in Ireland had said that the Bill would empty the farmer's pocket into the lawyer's purse. He (Mr. Bagwell) trusted that the objectionable parts of the Bill would be taken out, that such a plan as he had suggested would be introduced—namely, that every tenant should be entitled to a lease for thirty-one years, renewable for ever. He begged to intimate that he would propose a clause to that effect. The hon. Baronet (Sir Hervey Bruce) had remarked that measures of coercion should have been brought in before this measure. He differed in toto from the hon. Gentleman, and he thanked his right hon. Friend at the head of the Government for introducing his measures of conciliation before he attempted any legislation of a coercive character. When the right hon. Gentleman had succeeded in removing the disabilities under which the people of Ireland were suffering he hoped that he would then be able to take such steps as would effectually put down all those who were found to be opposed to law and order. The class that more especially suffered from the present unsatisfactory state of Ireland was that of the poor farmers. The landlord, no doubt, was occasionally shot; but the poor farmers suffered more generally, and in all the relations of life they were not allowed to act as free agents. The conduct of the riotous and disaffected seriously interfered with the industrious in all classes of life. He hoped, therefore, that when this Bill had been sufficiently amended in Committee to admit of its being passed into law as a good and acceptable measure, the right hon. Gentleman at the head of the Government would be the first to say—"We have done what is right and just for Ireland, and we are now determined, with the whole power of this Empire, to preserve the peace in that country." If the present Government felt that they could not do that they ought either to hand Ireland over to the Irish themselves, and let them govern her, or commit the task of governing her to some other party in the State who were able and willing to undertake the task. In respect to one other feature of the Bill, it appeared to him to be a dangerous proposition to give the labourer power to obtain his half acre of land for the erection of a cottage in the way proposed. In no country was there a greater want of house accommodation for the labourer than in Ireland; but he believed the best remedy for that evil would be found in an enlargement of the area of taxation, throwing all the rating into one union rating, instead of the present limited system. A change of that kind would produce such a state of things that the capitalist would find it remunerative to build cottages for labourers, and there would be no want of legitimate investment in that direction. The provision in the Bill to allow the farmer to give half an acre of land and a cottage to the labourer would inevitably lead to mischievous subdivisions of land amongst the small farmers. They must all know that the half acre of land would be given by the farmer to one of his family. He trusted that that provision would be eliminated from the Bill, and that the Bill would be supplemented by a provision to extend largely the area of taxation in Ireland. In conclusion he trusted the Government would consent to such changes as would make the Bill acceptable to the people of Ireland. In that hope he should vote for the second reading, but if the necessary Amendments were not made, he should support the hon. Member for Kilkenny (Mr. Bryan) in an endeavour to have the measure rejected on the third reading.

SIR FREDERICK W. HEYGATE said, he must congratulate the House and the country on the increased attention which had been given by Parliament to Irish subjects within the last two years. Some English and Scotch Members, not content with speeches delivered in that

House, and with leading articles published in the newspapers, had visited Ireland, with the view of ascertaining by personal observation her actual circumstances and position. He hoped they had returned with information which would be valuable to the House, and that their experience was not similar to that of Dr. Twiss, a clever writer, who, describing a visit he had paid to that country in 1775, said—

> "During my stay in Ireland I experienced that kind of intellectual retrogradation by means of which the more I heard the less I knew, as the second answer to a question usually annihilated the information supposed to be acquired by a first."

He must at once express his opinion that whatever might be said by the Opposition with reference to this Bill the whole responsibility of the measure would rest on the Government side of the House. When he first read the Bill he was astonished at its contents. It appeared to him to be opposed to the principles of free trade and to the principles of free contract, and to be a Bill which would make everyone in Ireland undergo a process of dry nursing. In the speech which filled so many columns of *The Times*, and in which the First Minister of the Crown went through the past history of Ireland as a justification for such a measure as the present, the right hon. Gentleman said that, owing to absenteeism, Ireland was in an extraordinary position—a position unlike that of any other country in the world. Now, he (Sir Frederick Heygate) did not justify absenteeism. He thought it was one of the greatest misfortunes to the place which suffered from it; but it must be borne in mind that absenteeism was by no means peculiar to Ireland. It prevailed in Scotland, and even in the small towns of England in consequence of the attractions of the capital. He was not there to defend it. It was, however, a fact that some of the best managed properties in Ireland were the estates of great absentee proprietors, like Lords Lansdowne and Fitzwilliam, and of some of the London Companies. On those estates there was generally a much better state of things, and a more prosperous and contented tenantry, than existed in other parts of the country; and they were afforded a greater security of tenure. It appeared to him, then, that before they took for granted the statements made on the one side or the other there ought to be a full and fair inquiry into the whole question. He believed in no other country in the world would so sweeping a measure as the present be proposed without full inquiry as to the remedy for the evils complained of. At the same time he was willing to admit that the sister country was in such a condition, and was so indoctrinated with the idea of want of security, that any course from which delay would arise in the enactment of some measure giving some security of tenure was altogether out of the question. The crisis was certainly most serious. The First Minister of the Crown, in the speech to which he had just alluded, said that for some years previously to 1859 Ireland had been improving, but that since then she had been retrograding. Recollecting the Reports of the Poor Law Commissioners and Inspectors, it was with the utmost astonishment he heard that statement. The wages of labourers had risen one-third—indeed, in many cases, they had nearly doubled since then. No one could travel through Ireland without observing that the country had a very different appearance from that which it presented fifteen years ago. Great improvement in the general condition of the country was shown by the increased value of tenant-right in Ulster, by the increased traffic on the railways, and the increased deposits in the savings banks. If hon. Members referred to *Thom's Directory* they would see the enormous increase in the value of live stock, as well as of agricultural produce generally. It was true that in 1862-3-4 there had been an interruption in this prosperity, but it had been only a temporary one, arising not from a cause which human efforts could avert, but from bad harvests. But, taking the last fifteen years as one period, there had been a steady and continuous improvement in the condition of every class. The right hon. Gentleman said that the number of paupers had increased; but the more humane treatment of the inmates of workhouses went far to account for that fact. In 1860 there were 11,216 children in the Irish workhouses; at present there were 16,024; but, taking the same two periods, the increase in the number of able-bodied male paupers had only been that represented by the difference between 6,060 and 6,132. It should be further noticed that there had been a gradual rise in the salaries of the officers employed in connection with the relief of the poor. In consequence of the improvement in hospital accommodation, and other such causes, much of the prejudice which formerly existed in the minds of poorer classes against workhouses had been removed. There had been an increase in the expenses of English and Scotch workhouses also; but it must not be forgotten that the standard of living was higher now than it was formerly. The right hon. Gentleman had endeavoured to account for the present condition of Ireland on the ground that it had not been legislated enough for—that many subjects had escaped remark in the pressure of Imperial business, and that among those subjects were those which related to Ireland. He (Sir Frederick W. Heygate) appealed to the past conduct of the House, whether Session after Session had not been taken up by Irish Bills, and whether every grievance had not been ventilated and, where possible, redressed? The jealousy of English manufacturers had given rise to many of the grievances under which Irish manufactures had laboured, and had driven the people to the necessity of subdividing the land. The right hon. Gentleman had charged the landlords of Ireland with having reduced the tillage of land by 400,000 acres, and with having increased the pasturage by 560,000 acres. But there was no room for wonder if that was the case, because such a result was strictly in accordance with the principles of Free Trade which he (Sir Frederick Heygate) had learnt from the lips of the right hon. Gentleman and others who sat on the other side of the House. He had always been told that a country should grow those crops for which it was best fitted by nature; and, therefore, it was only right that Ireland should cease to grow wheat, for which her soil was unsuited, and should turn her attention to stock, that succeeded admirably. Irish gentlemen were now found fault with for doing what Mr. Cobden told them it was their duty to do. The right hon. Gentleman had told them that the low price of wheat had inflicted damage upon the Irish producer; but the fact was that owing to the improvement that had been effected of late years in Ireland almost everyone was now a consumer of wheat or of Indian corn, and, therefore, the reduction in the price of wheat, which she did not grow, was a great benefit to her people generally. He could not read the report of the right hon. Gentleman's most eloquent speech, abounding as it did with unintentional misrepresentations, without feeling that it was his duty to endeavour to point them out, and to correct them. Then he came to the question of evictions, about which a great deal had been said. As an Irish landlord he did not like to stand up and contest point after point as though he were upon his trial, but when statements which had no foundation were made, he felt called upon to contradict them. The Report of the Poor Law Inspectors of Ireland, in reply to questions sent round to them by the Chief Secretary for Ireland, had been published a few days ago. He held that Report in his hand; and it dealt specially with the question of evictions. Mr. Hamilton said—"As far as I can learn notices to quit are throughout this district of rare occurrence." Mr. Robertson, speaking of the district in which Earl Fitzwilliam's estates were situated, said—

> "Considering the number of agricultural holdings in this district there are very few evictions, and they are principally for non-payment of rent. I find also that not much more than half the ejectment decrees that are obtained are executed. Notices to quit are not of frequent occurrence."

Dr. Brodie said—

> "Notices to quit are still of frequent occurrence, but are much diminished within a few years past, and not so usually followed up as heretofore."

Dr. Roughan, in speaking of Mayo, said—"Notices to quit up to last year have been of very frequent occurrence." That was the only unfavourable statement in the whole of the Report. In speaking of Leitrim, the same gentleman said—"Notices to quit may have been frequent in past years; those have now entirely disappeared." Mr. W. J. Hamilton, speaking of particular districts, said—"Notices to quit are almost unknown." Mr. O'Brien said—

> "As a general rule they are only served either for persistent non-payment of rent or to adjust quarrels among families or neighbours. . . . . . It is altogether unusual to follow up the notice by the eviction of the offender from his holding."

He might go through the book and make similar quotations, but he would only refer to the totals that were given. The total average number of evictions actually carried out on notice to quit during the last four years was 284; ditto for non-payment of rent, 603, out of a total of 594,340 holdings. And yet the right hon. Gentleman said that notices to quit and evictions had fallen like flakes of snow over the country.

MR. GLADSTONE said, he had not used those words with reference to evictions.

SIR FREDERICK W. HEYGATE said, he had understood the right hon. Gentleman's observations to apply to notices to quit as well as to evictions. It had also been supposed that rents were excessively high in Ireland, but in a book recently written by Mr. Thomson, who had examined into the question, it was stated that the rents there were lower than in any other civilized country in the world, without exception. Then as to the improvements made by landlords. No doubt they were not so numerous as might be desired, but the House must not forget the large sums—entirely overlooked by the right hon. Gentleman—borrowed by the landlords for drainage works, which amounted to between £2,000,000 and £3,000,000. He then came to the Ulster custom—and here again the same difficulty had to be encountered for want of an accurate definition of what that custom was. The right hon. Gentleman had said that the custom would not bear legal definition, and he (Sir Frederick W. Heygate) thought the right hon. Gentleman had taken a wise course. The Ulster custom not only varied in every county, but in every district and estate. In some instances it was stated to give to the tenant an unlimited right to sell to his successor, but always subject to the consent and approval of his landlord. In other cases a bargain was entered into by the landlord and tenant, limited to a certain amount, and with other arrangements mutually beneficial; while in the most extreme definition of that custom it involved the right of the eldest son of the tenant to succeed to his father's farm, the occupying tenant having almost the right to deal with the property as though he were in the line of entail, even to the extent of dowering his widow. In that case a large portion of the property was divided among the children or the other relations of the deceased tenant. On this question of tenant-right there was a great deal to be said on both sides. He had always said that in a country like Ireland, where there was so little security of tenure, a moderate amount of permanent interest in the soil, so long as it did not entirely absorb the capital of the tenant, did good rather than harm; but in cases which frequently occurred, where a farm was put up to the highest bidder and where the money had to be borrowed by the incoming tenant at a high rate of interest, the result was most disastrous, the tenant becoming so embarrassed that he was unable to cultivate and improve his farm. Dr. Knox, one of the Poor Law Inspectors of Ireland, speaking of the Ulster tenant-right, said—

> "In my district, which may be termed the heart of the tenant-right country, the Ulster tenant-right custom—meaning, as stated in the query, payment for goodwill or disturbance, irrespective of compensation for existing improvements—may be fairly described as universal, or nearly so. The practice, however, may be defined as two-fold,—first, as unlimited, where the landlord permits the unrestricted right of sale to the highest bidder; and second, as limited, where the landlord approves, or at least assents to, a sale under the reservation just stated, but limits the price either to so much per acre, or to so many years' rental. On many of the larger and smaller estates also the first plan is in very general operation, and the second also to a considerable extent carried out. Where the limitation of price is carried out some are unsatisfied, considering that, where the sum is fixed at a low rate, the tenant is not sufficiently reimbursed. This practice, however, is not so unpopular as might be anticipated, for, as there are, of course, as many buyers as sellers, the latter wish to get as high a price as possible, but the former to purchase at as cheap a rate as they can."

The best way, therefore, that care for the future interest of the tenant could be shown was to compensate him for improvements, and to give him a moderate interest, irrespective of improvements. The abuse of the custom acted as a bar to improvements by the landlord, and instead of being for the good of the country had an exactly contrary effect. It was almost impossible for them to ascertain what constituted this custom. In talking to old people of the custom in certain districts in Ireland, they had said to him—"You are right and you are wrong in your definition of tenant-right. You are right in supposing that tenant-right has never attained this enormous extent; but though you are right in supposing that there was a limit to it, that limit was that for many years the amount of an unlimited sale amounted to so small a sum that there was no necessity for any other limit." He was therefore surprised to hear the definition that had been given to the Ulster tenant-right by the hon. Member for Belfast (Mr. William Johnston). He would, however, be most happy to argue this point when the time came. In considering this Bill they ought to be particularly careful of the influence it would have on public credit. When the famine was laid at the door of insolvent landlords, and it was considered all important to get rid of them, two Acts were passed with the object of bringing fresh capital into the country from England and Scotland—the Incumbered Estates Act and the Landed Estates Court Act. Many persons had purchased property under these Acts, and in doing so they believed they bought the fee simple of the freehold—the actual property in fact. He had moved for a Return to show the amount of property involved in these purchases, but it had not yet been laid upon the table of the House. The amount, however, was enormous. Under the Incumbered Estates Act, which terminated in 1856, property valued at £25,000,000 was sold, and in the ten years ending 1866, during which the Landed Estates Court was in operation, property valued at £11,000,000 was sold through its agency; so that property to the extent of £36,000,000 had been bought under these Acts. Since 1866 there must have been some £2,000,000 or £3,000,000 more; and if the Bill now before the House was passed, depreciating the value of this property, what would the opinion of those who had bought it be of the credit of the Government? Of this not a word had been said, and nothing seemed to have been thought, by the Government. He sympathized with the objects of the Bill; everyone must do so, and no one looking at the state of the country could say it was possible to go on as at present. Only the other day he had been told by an emigration agent in Londonderry that the tide of emigration had been stopped—that whereas at this time last years thousands were leaving the country emigration was now completely paralyzed; everyone was now looking to the Government for the realization of those extraordinary hopes created in their minds by those who were now Ministers of the Crown. He could not blame the people for holding those hopes, when one word from the Treasury Bench would have checked those anticipations, and permitted only moderate expectations to be entertained; but the Government sat perfectly still; they were contented to obtain a short popularity at the expense of inflicting endless misfortunes upon the country. The First Lord of the Treasury in the course of his eloquent speech on introducing this Bill had dilated on the woes of the tenants and the woes of the labourers; but he said nothing of the woes of the landlords—of the unfortunate paralysis of credit which afflicted especially both the middle class and the landlords—nor did he offer a single word of sympathy for those unfortunate widows and orphans, the lives of whose protectors had been offered up to the unjust expectations which had been created by a portion of the Irish Press—that portion of the Irish Press which had sapped the prosperity of the country and made life unsafe by the promulgation of the most glaring fallacies. Articles of the character he alluded to were read in every cabin in Ireland, and accepted as the truth. The names of the writers of the articles were not published, and he had often been struck with the inadequacy of a contradiction of any fallacy or misrepresentation they might contain. A reply at a public meeting was not reported by the same journals, and a letter in another journal ready to insert it was not read by the class to which the misrepresentation had gone. The principle of reporting all sides and writing in the leading columns only what the editors believed to be true, was not the principle adopted by the journals to which he alluded, and he had come to the conclusion that this House was the only place where it was possible to contradict a fallacy and obtain a fair and efficient report of the contradiction. One more point with regard to the Ulster custom. He had always felt that where there was a custom which had been acknowledged for a number of years by landlord and by tenant, it ought to have the force of law; and he believed that if the custom had existed in England, and the question were argued before an English Judge, the Judge would hold that the custom had the force of law already. Surely that which was recognized by good landlords in Ireland and neglected only by the bad, should have the force of law. With that part of the Bill therefore he most cordially agreed. As regarded the proposal to lend tenants large sums to enable them to purchase their farms, if a middle class of proprietors could be gained by this process, none would be more gratified than he; but he feared this would not be the result. He was of opinion that with a fair tenant-right secured to him the small tenant would be in a better position than if he were himself the owner of the land. The tenants of the Marquess of Waterford would find themselves in a much better position with their rights as tenants secured to them, than they would be in as purchasers with borrowed capital. Besides, where was the granting of loans to stop, when out of 608,864 tenants, 317,457 were under £8 a year valuation? He would commend to the Government the advice of Polonius to his son—

> "Neither a borrower nor a lender be,
> For loan oft loses both itself and friend,
> And borrowing dulls the edge of husbandry."

That was perfectly true. What could be more inexpedient and unwise than for the State to step in and become an Irish landlord? The responsibility of working this measure was thrown upon the Board of Works. He should be sorry hereafter to be connected with that Board, because the fate met by many Irish landlords might possibly be the fate of the gentlemen who formed the Board of Works. He would remind the House of the notable scheme of Mr. Feargus O'Connor. He had very recently heard that the last estate of that scheme had been put up in the market, that the capital was all lost, and that everybody who had had anything to do with the scheme was involved in ruin. At the same time he felt a great sympathy with tenant-farmers who wished to become owners of land. Nobody could more desire to see supplied the want of a small proprietary, if it could be secured by satisfactory means. At present, exceptional advantages had been conferred upon landlords, who could borrow money from the State for the purpose of draining their property, and it had been argued that therefore the State ought to assist tenants in purchasing their farms. The two cases were not, however, precisely analogous, for the State lent the landlord money, after strict investigation, in order that he might effect improvements which would benefit the country generally. With reference to the Bill before the House, he should only remark that he would be a bold man who, in the present crisis, ventured to say "No" to the second reading. At the same time he was fully aware that it infringed the cardinal principles of free trade and free contract. For his own part he would not refuse to give the Government any help in his power in passing a Bill which promised to contribute to the happiness and prosperity of Ireland. He desired it to be distinctly understood that he did not stand there as a landlord who was solely anxious to preserve his privileges in one shape or another, but that he wished to promote the real interests of the country; and a measure which was not based on sound principles, although it might infringe those principles but slightly now, would lead to a much greater infringement in the future. What was the cause of the existing discontent in Ireland? He was inclined to think that it proceeded from causes which had only been temporarily glanced at in that House, and which were so deep-seated that a Bill going much further than the present one would not touch them. In the first place, Ireland was too small for the population, if all were to depend upon the land for subsistence, and anyone might perceive this in a moment if he went back to the time of the famine. If a Bill like the present had been passed then, what would have been the result? Why, it would have tended to perpetuate dependence on the potatoe, and would have brought fresh calamities on the country. Another cause of discontent had been glanced at in that House by the Earl of Mayo, who remarked that the Irish were a clever, well-educated people, and that there was not adequate employment for people so educated. Everyone acquainted with the country must have met with attorneys' clerks, schoolmasters, and persons employed in the Customs and Excise, who read in the newspapers about the rate of wages and price of provisions in England, Scotland, and America, and who compared the facts with the circumstances of their own position in Ireland. Asking themselves how they came to occupy such a position, they came to the conclusion that it was owing to the fault of the British Government, and that it was the duty of the right hon. Gentleman now at the head of the Government to bring in a Bill to ameliorate their condition. The real remedies for discontent were obvious. First of all, there must be security for life and property, and, secondly, there must be a development of trade; and the one depended upon the other. How could there be any development of trade or any permanent rise of wages when neither life nor property was secure? Look at the unfortunate dealer in eggs, who, because he was said to have dealt more largely than others, was shot. To establish security of life and property was the first duty of the Government, although he did not wish to see them go beyond the bounds of the Constitution in doing so. The development of trade was the only way by which in a country with a limited amount of land the position of the people could be permanently ameliorated. It had often been objected that Ireland had no coal. But coals were carried to Belfast at a few shillings a ton, and, in his opinion, trade might be developed to any extent if there were security of life and property for the industrious population. It was in consequence of trade that Londonderry had increased within the last ten or fifteen years from a population of 14,000 or 15,000 to one of 23,000 or 24,000. Looking to the immense expectations which had been held out, and the impossibility of their being realized, he should be sorry to take upon himself the responsibility of opposing the Bill. In conclusion, he expressed his belief that everyone interested in land in Ireland would make any reasonable sacrifice if he could only see prosperity restored to the country.

Mr. AGAR-ELLIS said, the fact that this Bill abrogated that iniquitous law which made tenants' improvements the property of the landlord was quite sufficent to induce him to vote for the second reading of the Bill, although he did not approve all its provisions. That, for instance, relating to the allotment to labourers of half an acre of land for a cottage garden would not, he trusted, be pressed by the Government. The clauses respecting the scale of damages for evictions were most valuable, and would make it difficult for landlords to continue evictions in the manner which they had hitherto practised. He also highly approved of limited owners being empowered to borrow money for the purpose of carrying out improvements on their estates, and to grant leases. With regard to loans of money to enable tenants to purchase estates, he thought there was great danger of bad management; and, while he did notthink much use would be made of that part of the Bill, the Government ought to take care to prevent adventurous attorneys and land robbers from speculating for their own benefit under the provisions of the Bill. He was sorry to see that since the Bill had been printed there had been raised in the South of Ireland a cry for the extension of the Ulster tenant-right to that part of the country, and that agitators had unjustly accused the Government of making one law for the Protestants of the North of Ireland, and another for the Catholics of the South. The effect of that Ulster system was, in many cases, to place a log round the necks of the tenants, and in his opinion nothing could be more foolish than the wish that the system should be extended to the South. He must take exception to that part of the Bill which related to leases, and particularly the enactment that where a lease had been granted a landlord could evict his tenant without incurring the penalties to which he would be liable in other cases. That was he thought, unfair, inasmuch as it would be taking away with hand that which was given with the other. And he confessed that he regarded with some dislike the making of the authority of a Court essential to a covenant for a lease. In conclusion, he would merely observe that the sooner the Bill was passed the better, for he could imagine nothing more disastrous than that it should be hanging over Ireland any longer, and that the Irish land question should be allowed to remain unsettled for years to come. He therefore hoped that hon. Gentlemen would unite in the determination to pass the Bill into law, and thereby confer a great benefit, not only upon Ireland but upon England.

Mr. KAVANAGH said, he should give his support to the Bill not because he approved of all its details as it now stood, but because he saw in it two essential principles which he had long regarded as affording the fairest basis for legislation upon this important subject. These two principles were the institution of penalties to prevent capricious evictions, and the securing to the tenant the right of compensation for substantial improvements executed at his own expense. They would, in his opinion, only have the effect of enforcing by law a system which he believed the majority of landlords in Ireland had adopted of their own free will, and would be felt as a restraint only by those who would use their power in a harsh and arbitrary manner. As to the justice of the provisions refering to the right to claim for compensations, he was happy to think they were all very generally agreed, but as to the manner in which those provisions were to be carried out he was of opinion that some very grave objections could be raised. As to the penalties against capricious evictions, he was sorry that some on his side of the House, for whose opinions he entertained the very highest respect, did not agree with him in approving them, and he was bound to add that there was great weight in the objections which they urged. Strictly speaking, he thought there could be no doubt about it, that the provisions as laid down in Clause 3 were a direct infringement of a landlord's just and legal rights, and even the most liberal landlord, who would carry out to the full the spirit of these enactments, might with perfect justice claim to be allowed to be generous and benevolent to his tenants in his own way. These provisions took away all freedom of contract. They took away the right for a man to do as he thought fit with his own, and obliged him to pay over again for what was his own already. Moreover, he could quite foresee that these enactments would tend to lessen the value of land as a security, and that must be an important consideration to those whose properties were mortgaged. Yet, notwithstanding these considerations, and weighty considerations they were, he, for his part, was willing to yield a power which he thought any landlord, having a regard to a conscientious discharge of his duties, would hesitate to use, and which in unscrupulous hands would be exercised, as he regretted to say it had often been, for the purpose of gross and flagrant injustice. In the annals of the Incumbered Estates Court they had too many instances of the manner in which unprincipled men, purchasing land as a matter of speculation, had dealt with their tenants. He could not agree with the argument which he had heard so often used, that land should be regarded as any other mercantile property. To him it seemed that, especially in Ireland, there were far graver responsibilities attached to the possession of it; and when they considered that much of the happiness and prosperity of a number of their fellow-creatures were unavoidably affected by the manner in which they discharged this trust, they must, he thought, allow that they should have some higher motives than self-interest or caprice to influence their actions. He had been often asked why men of their own free will took land on a precarious tenure, and so became dependent upon the will of their landlord. His answer was,—"If a man is a small farmer, he has, I may say, hardly an alternative. If he does not get the land he has to choose between it, the poorhouse, and America; he only does what others do when the demand exceeds the supply, as is the case with land in many parts of Ireland." He thought, therefore, it was only right that the Legislature should step in and shield him from those who would take advantage of his necessities. With the large holders the case was different, and any tenants holding farms over a valuation of £100 might very safely be left to take care of themselves. When dealing with large farms in Ireland, the question of large grazing lands arose. There were, for instance, some tenants who occupied such lands, who paid for them as much as £5,000 a year, and who yet never expended sixpence on improvements. Would it not be very hard on the landlord who wished to recover possession of those lands that he should find himself obliged to pay a sum of £10,000 to the tenant? He should now very briefly refer to those points in the Bill which appeared to him objectionable, and he could only say that in venturing to criticize them he did so in no factious spirit. He hoped it might be made a just measure and pass into law, and bring that peace and contentment to Ireland which she so sorely needed. Clause 1 legalized the custom in Ulster of Ulster tenant-right; that was a custom of which he had no practical knowledge; by some he heard it loudly praised; by others as loudly condemned; so far, however, as e was able to judge, it would seem to im that Clauses 1 and 2 might be with advantage omitted, leaving clauses from to 11, modified, he hoped, in some repects, to regulate the relations between andlord and tenant over the whole of reland. The principles upon which these atter clauses were based appeared to him o be fair and equitable, and he thereore was at a loss to see why they should ot be generally applied. By the omision of Clauses 1 and 2, it would still renain competent for the contracting paries to make their arrangements accordng to the customs of their different disricts if they were so disposed, and he vas inclined to doubt the wisdom of assing an arbitrary law, legalizing a ystem which loaded an incoming tenant vith a very grievous burden, when, by he other portions of the Act, the evicted r out-going man was amply protected rom any species of injustice on the part f his landlord. Clause 2 appeared to im to bear too wide and dubious a neaning. Legalizing "tenant-right ustom other than the Ulster custom," vould seem to confirm by law any cheme of compensation to which any enant would be bold enough to swear. Ie would, in passing on, refer to ection 2 of the same clause from line 7 to end, and Section 2, Clause 3. lthough the previous part of the secon was worded expressly to forbid ubletting, these words would seem to onvey to a tenant the right to cut p his holding into half-acre plots, and uild, or allow to be built, any descripon of huts upon them. Now, with gard to agricultural labourers, for hose benefit this part of the clause as especially framed, anyone who new anything of their condition when olding under middlemen would, he ought, admit that their position was r from enviable; their houses were nerally of a miserable nature, hardly abodes for animals, and they were emselves ruled with a rod of iron. sides having to pay high rents for eir wretched dwellings, they were emselves, under pain of being turned t, obliged to give their labour to ese middle landlords for sometimes s than half the price they could obn in the market. It would, he thought, a most objectionable system to enurage. Moreover, if the head lands were to lose their power of restricting this sort of subletting on their properties, they might find themselves before long again swamped with a pauper population, and in very much the same state of affairs which existed before the famine. He hoped the right hon. Gentleman who had charge of this Bill would not object to these words being omitted from the clause, for they would, he feared, as they now stood, be productive of nothing but the most mischievous results. Clause 3 he had already referred to, and although he was in favour of the protection afforded by it against capricious evictions, he thought the scale of damages was too high. Circumstances did sometimes arise, quite irrespective of non-payment of rent, where a landlord, for the purpose of maintaining peace and order, was obliged to use his power of eviction. By this scale, in the case of a £10 valuation holding, he would have to pay the tenant so evicted seven years' rent. A holding valued at £10 by Griffiths' valuation would be subject to a rent of about £13, assuming one-third over Griffiths' valuation to be the letting value, which was a sort of general rule; so that, in order to get rid of a really objectionable tenant, a landlord would be mulcted in the sum of £91. He merely suggested it for the consideration of the Government, as he thought ample protection against capricious eviction could be afforded without going quite such a length as the present scale implied. With regard to the other cases —2, 3, and 4—he thought 4 might very safely be left to look after his own interest. After that, all compensation should, in his opinion, cease. He then came to a class of men in independent circumstances, quite equal to deal with landowners at what might be termed arm's length. Going higher still, he came to the case of the large graziers, to interfere between whom and their landlords would be, he thought, a case of real injustice. He now came to deal with the case of securing to the tenant compensation for improvements. The principle, as he said before, was fair and just, but he thought the wording of Clause 4 was decidedly ambiguous, and calculated to raise very difficult issues. In the first place, he must ask whether, under Clause 4, a tenant would be entitled to claim compensation for improvements while he still retains possession of his farm, or was it only on disturbance, or when voluntarily quitting it, that he was to be entitled to make such claim? He imagined that it was only in the two latter cases that he would have this right, for it would not appear just that a landlord should be obliged to compensate a tenant for improvements if he were still to be left in the enjoyment of them; but he thought the clause required alteration to make it more clear, and perhaps the right hon. Gentleman would explain, with regard to this question, what interpretation the clause was intended to bear.

Mr. CHICHESTER FORTESCUE said, there was a misprint or omission in the clause alluded to by his hon. Friend; the words "on quitting his holding" ought to be there.

Mr. KAVANAGH said, he was glad to hear this explanation; but Section A, in the same clause, appeared to be also calculated to raise very difficult issues. It secured to a tenant the right to claim compensation for any sort of improvements made twenty years ago, and for buildings and reclamation of lands since the time of the Flood. Now, he did think it was a hard case to oblige landlords to have recourse to the pages of ancient history to defend themselves from extortion (for he could regard claims for traditional reclamation of land or buildings that must be either picturesque ruins or very dangerous habitations in no other light). These relics of antiquity might have been already dearly paid for, although no proof could possibly be forthcoming, either in hard cash to previous tenants, or by the "predecessors in title" (words which he most strongly objected to) having given up the holding loaded with arrears. The House would further bear in mind that by Clause 5 it was provided—

> "That all improvements shall, until the contrary be proved, be deemed to have been executed by the tenant."

Now, he could not imagine it possible to frame any clause more likely to give rise to endless and vexatious legislation than this Section A, and he did hope Her Majesty's Government would consent to the insertion of some reasonable retrospective limit. This clause, moreover, admitted the right of a tenant to claim compensation for so-called improvements made without consent of his landlord, which was, he thought, without some very clearly-defined qualification, a dangerous principle. The great love tha many Irish tenants had now for erectin large houses upon small plots of groun was too well known. The making o fences and subdividing fields was als a very favourite occupation, and bot these, although perhaps congenial to th tastes and circumstances of the presen occupier, would, in the event of hi giving up his present holding, have th effect of deteriorating the letting valu of it hereafter. No one could in justic argue that a landlord should be taxe by being forced to compensate a tenan for works executed without his consen which works would tend to prevent hi obtaining the same rent for the farm i a future letting. Her Majesty's Government, in framing this Bill, could no have contemplated endorsing any suc injustice. Section B in this clause an Clause 14 seemed intended to qualif this admission. But Section B was useless, for it only referred to works mad within two years after the passing of th Act, and required the landlord's writte prohibition to the works. It could no therefore, act retrospectively as the admission of right to claim did, an Clause 14 was too vague in its definitio to be, in his opinion, of any practica value. There was now only one mor point to which he should venture to ca attention, and that was the case of a ejectment for non-payment of rent. B Clause 8 a tenant ejected for non-payment of rent was entitled to claim f all improvements which, as Clause stipulated, had not been proved to hav been made by the landlord. Referrin then, to Clause 17 we found that a tena under such process of eviction was n to be compelled to quit his holding un the full amount of compensation for ancient and modern improvements h been satisfied. Now, this appeared him to give a factious tenant a power defy his landlord to get either his re or his land. He might refuse to pay rent, and when served with a notice ejectment might bring up in array clai for improvements made before the n mory of man. He might say that fie which might never have had a stone them were formerly stony, and wa tracts reclaimed by his forefathers; might claim compensation equal to fee simple, and until this demand v satisfied hold on his farm, rent fr sublet it, and destroy it for all his landlord could do to the contrary. Now, he quite admitted the justice of securing to the tenant under eviction for non-payment of rent all due credit for the substantial and beneficial improvements he might have executed; but he thought he should be empowered to recover what balance was due to him on that count from the landlord by some other means than that of holding possession without paying rent, and some reasonable limit should be made to the retrospective right to claim for improvements which would place those claims within the possibility of being either proved or refuted. The remainder of the clauses in the Bill, although all of importance, were not of such a paramount nature as to warrant his trespassing longer on the time of the House. Those touching on the purchase of land for the tenants, being of a permissive nature, were not such—if the British taxpayer agreed to them—as he need object to as an Irish landlord. Clause 54, in Part IV. establishing a duty on notices to quit, would, he believed, have a very beneficial effect, and tend to put a stop to that disgraceful practice of serving tenants on each gale day with notices to quit—a practice which until very lately he could not believe existed. He believed that one of the effects of the Bill would be to discourage improvements on the part of the landlord; but the general effect would, he hoped, be to give to the Irish tenant-at-will a feeling of security to which up to this time on some properties he had been a stranger. Would that he could hope that it might bring peace and contentment throughout Ireland; but so long as political agitators continued to trade upon the passions of the people that would, he feared, be a hope which would only be kindled to be quenched.

Mr. PIM said, he hoped the second reading of this Bill would be unanimously agreed to. Speaking on this subject, not as a landlord or a tenant, but as a trader, his opinion was that the wildest scheme of the most ardent advocate of tenant-right would, if it settled the land question, be preferable to the state of confusion which now existed. But this was far from a wild scheme, and it gave greater hopes of a satisfactory settlement than any that had ever before been proposed. Though, however, he trusted that the second reading would be agreed to, he also hoped that important alterations would be made in Committee. Of the principle of the Bill, he thoroughly approved. That principle was, firstly, compensation for improvements; secondly, compensation for the loss arising from disturbances; and lastly, the recognition of existing customs. But several important alterations were required to make the proposed measure what it ought to be, and if these Amendments were not adopted, he feared this Bill would fail to satisfy the people of Ireland. He did not suppose that any measure that ever was, or ever would be, proposed, would satisfy all the people of Ireland, any more than a single measure could satisfy all the people of any other country; but he believed that if proper Amendments were adopted in Committee, this Bill would satisfy the moderate and reasonable portion of the population; the unreasonable would be left in a minority, and their agitation would be powerless. Now, one of the objections he had to make against this Bill was that of special legislation. He thought it would be a great mistake if the House agreed to any special legislation, which was to apply to Ulster alone and not also to the rest of Ireland. If they did so, it would not be otherwise than believed by the inhabitants of the other three Provinces that the people of Ulster were favoured — and favoured on account of their religion. The interests of the Ulster tenantry might be protected without this special legislation. The 6th clause provided that where money or money's worth had been paid for a holding, with the knowledge or implied consent of the landlord, the fact of such payment should be taken as a ground for compensation. That clause would go a long way towards meeting the case of the Ulster tenant-farmers—and if it did not go the whole way, there was no difficulty in making it do so — and a clause might be introduced by which any custom which existed in any part of Ireland might be provided for without the necessity of any special or partial legislation. It was recently stated by a noble Lord (the Earl of Portsmouth), whose estates were in Wexford, that he treated his tenants in all respects as they were treated in Ulster; and, if so, he (Mr. Pim) could not see why the custom should not be recognized in Wexford as well as in Down or Antrim. The next point to which he objected was mixing up the compensation proposed to be given by Clauses 3 and 4. The 3rd clause ought to be confined to compensation for disturbance of occupation, and the 4th ought to be confined to compensation for improvements. If a man had not only occupied a farm, but made various improvements on it, he ought to have a larger compensation than the man who had made no improvements whatever; but even if a tenant had made no improvements, there was no reason why he should not be compensated for disturbance in his occupation. It would be a great discouragement to the improving tenant if he were not to receive more compensation than the tenant who made no improvements; and, therefore, the two kinds of compensation ought to be kept distinct, and the one made additional to the other. One of the most important parts of the Ulster custom was the power of the outgoing tenant to dispose of the interest in his farm, and he thought the tenants in the three Southern Provinces ought to have this right confirmed to them by law, which the tenants in Ulster enjoyed by reason of a custom which it was now proposed to recognize as legally binding. The nomination of the proposed incoming tenant should be subject, as it had hitherto been, to the approval of the landlord, but as his objection might be capricious, the landlord ought to be called upon to assign his reasons for objecting. He strongly objected to the power proposed to be given to the landlord, under the 16th clause, to bar the tenant's claim for compensation by the offer of a lease for thirty-one years. Such a mode of settling a difference was a tampering with justice, and he hoped the House would not agree to it. It was believed in Ireland that that clause would empower the landlords at once to force all their tenants to accept thirty-one years' leases, with a view to guard against any claim for compensation at the end of that term. If so, it might prove highly dangerous, for if any large number of landlords availed themselves of it at once—and many persons in Ireland thought they would do so—the consequence would be that the leases would all run out together, and this would, probably, give rise, some twenty-five or thirty years hence, to a new agitation for the renewal of these leases, instead of having this agitating question settled at once and for ever. If the tenant had a just claim let him be paid, if his claim be unjust let it be refused; but do not attempt to compel a summary settlement of this sort A lease is a contract and it should be entered into between two free and willing parties, not enforced by a landlord upon an unwilling tenant. If one party dictate to the other, the lease cannot be expected to be more binding, than a treaty which the stronger of two States imposes on the weaker at the point of the sword. If both landlord and tenant were free to contract for a lease upon such terms as both might agree to, he believed that leases for thirty-one years would be given and freely accepted, and that they would be very useful; but there should be no compulsion. Compulsion would be tyrannical, and would certainly produce ill-feeling, and be resisted or evaded. The leasing powers which the Bill proposed to confer upon "limited owners" did not go at all far enough. Why were there not powers for giving improvement leases and building leases? He had given notice of Amendments to this effect, and he hoped they would be accepted by the House. He should like to know whether it was intended by the 25th clause to render a lease under the Act valid against all parties whatsoever? There ought to be no doubt upon this point. The Bill contained no provision for doing away with the right of distress, which was one of the most serious evils affecting the relation of landlord and tenant in Ireland, and one that had made the land question much more difficult to deal with than it would have been if that right had not existed. I was that right which equalized the bad tenant and the good one, the solven and the insolvent one, in the eyes o many landlords, who, unmindful of tenant's character, got the largest nomi nal rent they could, and relied upon th power of distress to secure themselve against loss. That power had been th means of bringing discredit on Iris landlords generally. The right hon Gentleman the head of the Governmen seemed to have designed his Bill as means of tuition to lead the Irish peo ple to a system of mercantile contract and this was an object that ought to b aimed at; but this object would not b ttained unless landlords and tenants vere placed, as far as possible, upon a ooting of equality, so as to be able to nake a fair contract. This never would e the case while the power of distress xisted. The second part of the Bill ad not received as much attention as he first. He took a warm interest in t, and he felt much regret that the ight hon. Gentleman the President of he Board of Trade was unable to atend the House to advocate a proposiion which, no doubt, was his suggesion. This part of the Bill seemed to e wanting in clearness. Would the urchaser obtain a Parliamentary title? f so, how was it to be given? Was it y the Board of Works? He thought ll the sales should pass through the anded Estates Court. He thought also hat Parliament ought to require all the itles of land purchased under this Act, nd towards the payment for which asistance would be given through the oard of Works, to be recorded under he Record of Title Act passed in 1865, n Act in the preparation of which he ad taken a warm interest, and under hich all estates were recorded unless t was objected to by the buyer. By eing thus recorded the titles of these states would be kept clear, and in case f any legal proceedings being called r, there would not be any cost incurred r searching into title, &c. The proosal for assisting tenants to become roprietors of their own holdings had een objected to on economic grounds, nd he would not discuss this part of he question; but on grounds of policy, e believed it would prove most valuble and important. Nothing had so onservative an effect as the ownership f land. Look to the Continent. The onservative element in France was to e found in the large numbers of landed roprietors, and he believed that if the nded proprietors of Ireland were ineased ten-fold, the Irish land question ould be solved. Every man who beme a landed proprietor became from at moment an anti-Fenian, and as sirous of upholding the laws and initutions of the country, as the proudest oble who derived his estate through a ng line of ancestors. He, therefore, tached great importance to that portion the Bill, not for its economical effects, ut because he believed nothing would much tend to give stability to the institutions of the country, and to form a counterpoise to disaffection. He trusted that the Bill would pass into law, but in an amended form. If it did so pass, though it might not satisfy all the people of Ireland, it would satisfy all those who could be satisfied by any legislation, and if they were satisfied, the irreconcilables would find themselves utterly powerless.

Mr. G. B. GREGORY said, that the Bill might be regarded in two aspects; one as it bore upon Imperial interests, and the other in reference to the interests of Ireland alone. It was in regard to the first aspect alone that he desired to say a few words. Under the third part of the Bill the State was virtually to be put in the position of the purchaser of land, and this must of necessity cause a fictitious rise in the price of it. But further, it was provided that the Board of Works should advance to a tenant purchasing from his landlord, not three-fourths of the value of the land, but three-fourths of its price; and whatever sum the landlord and tenant might agree upon that would have to be accepted as the price, three-fourths of which was to be advanced by the Government. Now, in England it was a rule that the amount lent on mortgage should not exceed three-fourths of the value of the property, and great care was taken to ascertain what the real value was, even the rent not being taken as the sole criterion. But every provision of that kind was omitted from this Bill, and there was nothing to prevent collusion between the landlord and the tenant. Nothing could be more objectionable than this part of the measure as it now stood. But this was not all. The Government were to charge the tenant for twenty-two years, with an annuity of £6 10*s.* per cent upon the sum advanced by them. Now, the competition for land in Ireland was always great; the anxiety to possess land was a national passion, and under this Bill a farmer would scrape together a quarter of the price of his farm, and instead of laying out that money on the land he would buy, and demand the loan; but the State would charge him £6 10*s.* per cent upon the money advanced in the shape of rent, and thus the tenant would be pauperized in the act of becoming a proprietor. This being so, if there came a year of difficulty or failure of crops the rent would get into arrears, and the State would have to enter upon the farm and place itself in the position of a landlord evicting for non-payment of rent. Thus upon the State and its officers would fall all the odium which was thrown upon the landlord who insisted on his rights. Another point requiring attention was the novel principle embodied in Clause 5. Up to this time the invariable practice had been to require the claimant of any right to make good his claim by substantial proof, and no sufficient reason had been given for such a change as was now contemplated, for under Clause 5, a tenant might make a claim against his landlord, and upon the landlord would rest the onus of proving the negative. If this were necessary, in some cases it should be allowed with the strongest possible qualifications. He could not help thinking that penalties for disturbing tenants in their holdings would foster absenteeism and carelessness upon the part of the landlord for everything except the payment of his rent. Besides, what if a tenant were an immoral character, should the landlord suffer for ejecting him? He trusted these points would not be lost sight of in the course of the Bill's progress through Committee. He trusted that the Bill would be as beneficial in its operation as its promoters desired; but to render it just in principle, he believed that considerable alterations and Amendments must be made.

Mr. WHALLEY said, he trusted that the right hon. Gentleman at the head of the Government would, before the close of the debate, explain to those who followed him what this Bill had to do with those principles which they were sent into the House to represent. From Catholic Emancipation downwards they had been asked year after year to make concessions to Ireland, and they were always told that the particular concession would secure the tranquillity of Ireland. It was remarkable that no such assurance was given last year in reference to the Irish Church Bill by the Roman Catholic hierarchy, or anybody else who professed to speak for the Irish people. He hoped that the right hon. Gentleman at the head of the Government would give them some assurance of his belief that if this Bill passed the House would really be in a fair way of removing what the right hon. Gentleman called an opprobrium upon the fair fame of England—but which description he (Mr. Whalley) repudiated. It was rather degrading that all the interests of the Empire should be suspended whilst the House was occupied in discussing what was fair between landlord and tenant in Ireland; but he should not complain of this if they had reasonable authority for believing that what they were about to do would pacify Ireland. The first speech he had ever made in that House was in favour of the Motion that the repayment of £3,000,000 which had been lent to Irish landlords for the improvement of their estates should be altogether remitted in consequence of the unprofitable results of those improvements. He had not the smallest doubt that the money proposed to be lent under this Bill would turn out equally unprofitable, and would eventually be presented as a perfectly free gift. He would ask the right hon. Gentleman at the head of the Government to supply the omission that occurred in his great speech on the wrongs of the Irish tenantry, by a reference to the wrongs of those who had been driven out of the country, of those who had been slaughtered, or who were suffering from the apprehension of being murdered, for their attention to their duties. He called upon the right hon. Gentleman to give them some assurance that the sacrifices Protestants were called on to make would bring about peace in Ireland—something that would enable Englishmen, whether at home or abroad, to think of their country without feeling it deserved that opprobrium which the right hon. Gentleman had cast upon it. It was a part of the distinct policy of the Roman Catholic hierarchy—[*Laughter*]—yes, it was sworn to by them—to persecute and exterminate the Protestant element among the population wherever they could. That was their duty according to the very words of their oaths, and upon that policy they had acted in all times and in all countries. It did so happen that the course of affairs in Ireland coincided with that policy, although it would be uncourteous to suggest that the system of intimidation and terrorism that was now being carried on was in any degree directly sanctioned by the Roman Catholic hierarchy. There was no doubt that it existed in spite of their efforts. It was a somewhat curious coincidence that in former times, when the Roman Catholics did contemplate a massacre of Protestants, a similar system of intimidation and terrorism was carried on. If that were so, he thought it was incumbent on the right hon. Gentleman at the head of the Government to take the opportunity of pointing out that this so-called message of peace was not to be sent to Ireland for the purpose of conciliating those who had upheld such a system, and that the keystone of his policy was not to exterminate, drive out, and buy out the Protestant element in Ireland at the expense of the taxpayers of this country. The right hon. Gentleman and his Colleagues, for the first time in the history of our concessions to Ireland, took upon themselves the sole responsibility of this special legislation, about which it appeared there was nothing Imperial except the payment of British money to Irish farmers by way of loan. He submitted it was due to the right hon. Gentleman himself and his party that they should divest themselves of the exclusive character they had assumed in connection with this Bill; that they should base it on broader principles and make it intelligible in a more Imperial sense than they had hitherto done; and he hoped, as a Liberal, anxious to support the general policy of the right hon. Gentleman, and for the sake of the Liberal party, who had shown such unflinching allegiance to the right hon. Gentleman, that some definite guarantee would be given that the measure would not only effect the pacification of Ireland, but would also remove that opprobrium which the right hon. Gentleman said still existed upon the character of this country with respect to its government of Ireland.

MR. BRODRICK said, he was not going to follow the hon. Member for Peterborough (Mr. Whalley) through the wide region of space over which his fancy had travelled. He thought it more respectful to the House to address himself at once to the measure before it. He congratulated the House upon a great deal of time and discussion having been saved by the issue having been narrowed down to the point at which they had now arrived. They were not now debating the question whether it was desirable, or even necessary, to bring in a Bill affecting the relations of landlord and tenant in Ireland. That question had virtually been decided by the action of both sides of the House. Both sides had introduced such a measure on more than one occasion, and both had equally failed in effecting a solution of the difficulty. Had it been otherwise he, for one, might be tempted to take exception to the violation of the doctrines of political economy involved in all such Bills. He was quite aware that the object, a very laudable one, indeed, with which this Bill had been brought in was, if they could, to make bad landlords in Ireland do that which the good landlords did already. But as it was declared by a high authority, and frequently repeated on the other side of the House, to be impossible to make men religious by Act of Parliament, so it appeared to him that, paraphrasing that truism, they could not create a good landlord by any legislative enactment. He was afraid there would be bad landlords and dishonest tenants to the end of the world, however stringent their legislation might be. Having said so much, he would proceed to discuss the special measure now presented for their acceptance. That measure was two-fold in its object and in the machinery by which that object was to be achieved. The double object proposed was, in the first place, security of tenure for the occupiers of land; and, secondly, the facilitating of the purchase of their holdings by such occupiers. The machinery consisted first of a series of new courts, to be instituted for the purpose of deciding questions that might arise affecting the land; and, secondly, of a Government loan to enable the tenants to purchase their own holdings. Taking these points in detail, he would shortly state his objections to the measure as it stood. First, with regard to what had been well called the back-bone of the Bill—the Compensation Clause. No one would deny that it was most desirable that a tenant leaving his occupation—especially if he were disturbed by the act of another—should be reimbursed and recouped for the unexhausted improvements he had placed on the soil. He felt, however, that these clauses, as they now stood, might work grievous wrong or injury to one or the other class, if not to both classes, that would be affected by them. In the first place, prospective compensation might be a very fair mode of dealing with those who were fully warned of what they had to expect; but retrospective compensation might mean a very different thing, and under it claims might arise, and might be admitted, which could not be called either fair or just, especially when there were no means of checking those claims by proper written documents. He feared, too, that the penalty attached in the Bill to a disturbance of those relations in any shape would be so heavy as to make it impossible to carry out the consolidation even of the smallest holdings, where consolidation was most necessary. He was told that consolidation was the very last thing to be attempted in Ireland. It appeared, however, that out of 682,000 agricultural holdings there were 512,000 under the value of £15 per annum. With those facts before them he thought that in the consolidation of those small holdings rested the best chance for the regeneration of Ireland. He would not accelerate that process unnecessarily, nor would he delay it by legislation; but he would leave it to the gradual operation of natural causes, and do nothing that would interfere with, or disturb the operation of, those causes. There was a hard and fast line drawn in the Bill in all that affected the rights of the landlords; but when it came to deal with the case of the tenants, there was no clear process or definite rule laid down by which they were to be guided. The whole thing was left to the arbitrament of certain courts, and in consequence it would be utterly impossible for the tenant to know what his own or his landlord's real rights were; and they might be quite certain that the tenant would put in the strongest light all that belonged to himself, and take little account of the rights which that House would wish to secure for the landlord. There was also a special difficulty with regard to estates acquired under the Encumbered Estates Court Act. To make those who had purchased under that court pay over again for improvements they paid for at the time when the purchase occurred was a direct fraud upon those purchasers. They should bear in mind that the Encumbered Estates Court was not originally created, as the right hon. Gentleman the First Minister had intimated, for the benefit and behoof of the landlords; and he was surprised to hear the right hon. Gentleman state that the object was to disburden landlords of certain rights which were no longer privileges, but which had become a burden to them, and that the purchase-money of the lands and the improvements found their way directly into the pockets of the landlords.

Mr. GLADSTONE said, he never stated anything of the kind with regard to the object of the Bill.

Mr. BRODRICK begged the right hon. Gentleman's pardon if he had in any way misrepresented him. He took his words down at the time, and they were as follows:—

> "His object was to introduce capital into Ireland—[Mr. Gladstone: Hear, hear!]—and relieve the impoverished proprietors of that country from that which was to them not a privilege but a burden."

And he went on to say—

> "A price was paid to the outgoing landlords, who ought not to have been entitled to any property in them."

The Encumbered Estates Court Act was passed under the idea that capital would be introduced into the country; but certainly not under the idea that landlords would be benefited thereby. The actual result was that, in many instances, property was forced into the market when the market was glutted. Within his own knowledge land was sold for almost a song—in some cases, for only ten or twelve years' purchase; and, in one instance, land was sold four or five years afterwards at an enormous premium by those who had speculated in the court. The money did not go to the landlords, but to their encumbrancers, and, in many cases, the portions of younger children and widows were sacrificed by the Act. He could speak with some authority on the point. When the Act first passed a property he was intimately acquainted with was for sale under the provisions of a Private Act, and so great a glut of land was then in the market that, acting under the advice of experienced conveyancers and land agents, the property was withdrawn for three years to prevent its being sold at a ruinous sacrifice. Therefore, it was not fair to represent the landlords as being the recipients of money under the Encumbered Estates Court. A great injustice, he admitted, was also done to the tenants, but not by the landlords, but by Parliament not foreseeing the consequences of the Act. He was of opinion that the provision in the Bill for facilitating the acquisition of land by small occupiers was not likely to be very operative, and that as far as it would operate its operation would not be beneficial. He was fortified by Judge Longfield's authority when he said that the Irish peasant was peculiarly unfit to become a small proprietor. He was aware that the system of *petite culture* had succeeded in other countries, but only where the three following conditions had been present, first—habits of thrift in the peasantry; secondly, an equable climate under which agricultural operations might be carried on; and thirdly, a slow ratio of increase in the population; and he would appeal to hon. Gentlemen who were better acquainted with Ireland than he was whether those conditions existed in the present case. That the Irish peasant was saving and industrious he granted; but he had not the foresight which so distinguished the Scotch peasant. The climate in which he lived rendered the conduct of agricultural operations most difficult. And with regard to his natural rate of increase he might be described as prolific. Nor was the position of small freeholders in that country such as to make it desirable artificially to increase them. There were very few of those small freeholders in that part of Ireland with which he was best acquainted, and where they did exist they were not the most flourishing or the most respectable of the community. In Leitrim and Cavan, particularly the latter, there were a considerable number of small freeholders, some of whom could trace their title as far back as the time of Oliver Cromwell. The plots, which varied from twelve to thirty and even forty acres each, were in pretty much the same state as when they were granted originally by him to individual soldiers, and these holdings were still known by the name of "Cromwell's debentures;" but with hardly a single exception they no longer remained the property of the same families. They had been mortgaged over and over again, and where they had remained in the same family the holders had been reduced to the lowest point in the social scale, and there were instances where the owners had mortgaged them and come over to England with the rest of the peasantry and earned harvest wages. The system of small freeholds had not succeeded in Ireland, and it was a very serious consideration whether they would be doing a service by perpetuating what had been already tried and had failed. He doubted whether it would suit the Irish peasantry to borrow money to invest in that way. Taking the land at twenty years' purchase he would only be able to get 4½ per cent for his outlay, whereas if he rented a farm with security of tenure he would be certain to make 10 per cent. He would now advert to the machinery by which the objects of the Bill were to be achieved. He found that certain tribunals were to be established to which all causes were to be referred which affected the relations between landlord and tenant, and he must say, at the outset, that it was an improper thing to submit to such tribunals the value of land both with regard to its price and rent; because he did not see how they could be dealt with other than by what the President of the Poor Law Board called the "higgling of the market," which was the only true test of the value of that species of commodity. He still more objected to the method by which it was proposed to ascertain it. Persons who meant to do what was right between each other could settle their disputes by private arbitration; but if not, he was hopeless of anything being satisfactorily arranged by a public arbitration. They would then have to carry the case into the Civil Bills Court, a most unfit tribunal to deal with such matters. There would be a great deal of hard swearing on both sides, and in the end they would be as far from the truth as they were at the beginning; and should the Court eventually decide in favour of the landlord he (Mr. Brodrick) would undertake to say there would be the greatest possible dissatisfaction. If they really desired to deal with the question judicially, it would be far better and cheaper to reduce the expense of procedure in the Landed Estates Court, and to deal with the matter on definite and precise principles, so that the landlords might distinctly know what their rights were and the tenants might know what they had to expect. If this course were adopted the Court would proceed to adjudicate on principles clearly laid down beforehand, and the whole question might be settled by a tribunal whose impartiality would be above suspicion, and it would not be necessary to allow any appeal from their decision.

He then came to the fourth point—the manner in which it was intended to enable the tenant to purchase his own holding. Looking at the matter simply as an individual interested in Ireland, he could have no possible objection to the mode in which it was proposed to deal with that branch of the question; but when he remembered that he represented a constituency of 11,000 Englishmen, he must say that the proposition to advance 75 per cent of the purchase-money to men who would frequently be but one step removed from the position of paupers, showed little consideration for the English taxpayer, and was a very serious risk of the public money. It should be borne in mind that the money actually paid down would frequently have been borrowed at usurer's interest; that a man occupying a holding of £100 a year at twenty years' purchase, representing in all £2,000, who paid down £500, borrowed probably at not less than 6 per cent, who had in addition to pay 6½ per cent on purchase-money for twenty-two years, would be in a far more disastrous pecuniary state than before he entered upon the transaction; and that, over the whole of Ireland, the Government machinery would be worked to collect for twenty-two years to come these heavy imposts upon individual landowners. How had this machinery worked, as it already existed in part? It happened, fortunately, as some people would think, that the Crown possessed at present very little property in Ireland; but he would mention a case which would illustrate the state of things that might be expected. Some years ago there were certain Crown lands in the parish of Kelglass, in the county of Roscommon, extending over about 300 Irish acres. For years previous to the institution of the Encumbered Estates Court the holders had paid no rent at all to the Government. A very active Minister of Woods and Forests coming into Office, and thinking it desirable to demand from the holders the rent they had so long forgotten to pay, was met by them with the plea that the Statute of Limitations applied — that the rent having been left unpaid for so long a period it could not be had now. And more than that they got an Irish jury to agree with them, and a verdict was found in their favour, which decision was, of course, immediately set aside on appeal to a superior court. But they drew a second string in their bow; they held that the rent was payable to the King, and that consequently none was payable until the Prince of Wales came to the Throne. Driven from that point also they pleaded that her present Majesty had not administered to the will of her uncle, the late William IV., and that therefore there was no legal hand to receive the money. The result was the Government was obliged to send two troops of dragoons and a posse of the constabulary, who massed themselves on the lands of these people, dispossessing them of their holdings; and afterwards, through the kindness of the Commissioners of Woods and Forests, they were finally deported at the Government expense to America. The lands were then sold to a private individual, and the rents had ever since been paid. Was it in the face of such instances as these that the Government was about to become the landlord of numberless holdings, small and large, throughout Ireland; for, if so, those whose duty it was to collect the Crown rents would have no easy task of it? There was an important point which the House should consider in relation to the duties now performed by the landlords, but hereafter to be performed by the Government if the measure of the right hon. Gentleman became law. In Ireland, hard and trying seasons had to be endured which imperatively required some allowance to be made by the landlords in regard to the payment of rent, especially among the smaller class of tenants. At present landlords worthy of the name did not press at such seasons for rent in arrear. Now, he would ask, would there be any elasticity of this nature provided by the Government? He was at a loss to see how the Government could relax the inflexible rule under which the tenant was bound to pay so much a year in payment of the sum borrowed? How could it fairly to the British taxpayer forego its rights in seasons of distress, when the crops failed and were lost? The next point was one that had great weight when we were attempting to deal with Irish affairs. Might it not happen that when a tenant was particularly anxious to purchase his holding he might take very unpleasant means to intimate that desire to his landlord and to reduce the value of the coveted property?

Such things were, unfortunately, not only possible but extremely probable in many districts of Ireland. And here he would say that he deeply regretted that the Government did not see their way at the end of last Session to state the general principles of the Bill which they had this Session brought in. No one would have asked for the details, but he certainly thought the House of Commons was entitled to ask what they intended to do, and what they would not do; and he was prepared to say some such statement as that would have spared much alarm and much anxiety; that not only would person and property have been more secure than it had been during several months past, but doubtless some of those who were now lying dead in their bloody shrouds would have been living and moving amongst them. He did not wish to attach the stigma of having directly caused these troubles by intentionally rousing the evil feelings of certain Irishmen to the Government, because there was not a single Member of it who would not have deprecated anything like the lamentable events which had occurred in Ireland of late had it been in his power to foresee them; but he thought he was entitled to complain that nothing had been done to disabuse the minds of the people of Ireland in regard to anticipations which could never be fulfilled, and which they formed in a great measure from the utterances of more than one right hon. Gentleman who now sat on the Treasury Bench. Having said thus much, he might proceed to declare that, in his opinion, the measure in itself was fairly conceived and was not unfair in its principles. He was much afraid, however, of its details, which might, it was true, be amended in Committee. Everything, however, would depend upon the spirit in which the Bill was approached in Committee, and he regretted that the spirit already manifested was not precisely that which he should wish to see prevail in the consideration of a question of this character. He trusted that at any rate they were not to take the utterances of the hon. Gentleman the junior Member for the county of Cork (Mr. M'Carthy Downing) as an expression of the feelings of Gentlemen below the Gangway. It was only within the past week that he had seen an epistle from that hon. Member to his constituency, in which he stated that "what was intended as a noble offering to the Irish people had been frightfully and unscrupulously disfigured; that he placed his experience and his limited intellect"—he used the words of the hon. Member himself—"at the disposal of the people," with the object—of what?—only with the object "of giving them a hold upon their native soil as near to fixity of tenure as legislation could give them, under the designation of security of tenure." And this was said in the face of the declaration of the right hon. Gentleman the Leader of his party, distinctly disclaiming the intention on the part of the Government of giving anything like fixity or perpetuity of tenure to the Irish tenant. The right hon. Gentleman showed, in convincing language, how contrary any such action would be to the principles of political economy; but the hon. Member for Cork was about to strive by a sort of side-wind, as he openly informed his constituents, to effect that which the Leader of his party distinctly declined to countenance. If that was the spirit in which legislation upon this subject was to be approached in Committee, he was hopeless of its having any beneficial result. They had been invited to consider this question irrespective of party—they had been adjured, in eloquent and emphatic language, to consider the responsibility which attached to them as a body and as individuals in the decision which they were about to give. He fully responded to that appeal, and he admitted that responsibility as far as he was personally concerned. As he had told his constituents long since, in any vote that he might give upon the present or any future stage of the Bill he should be guided by one object alone—namely, that of doing justice to his own conscience in endeavouring to do justice to the people of Ireland. Less than justice he hoped no hon. Member in that House would wish to be done to the Irish people; more than justice he trusted that none would concede to any threats or any intimidation. Let them approach this question in a manner worthy of the great interests involved; let them, if possible, forget for a moment the ties of party, and, above all, let them put aside—which was far more difficult, the promptings of self-interest. The House, he trusted, would rise to the occasion, bearing in mind that the future of a great country was in their hands, and that upon their deliberations depended not only their own fortunes but those of their children and children's children. Let them legislate in a worthy spirit, having but one object in view—to see Ireland an united, and, because united, a prosperous country; and thus they would discharge the duty for which they had been returned by their constituents, that of promoting to the utmost the safety, honour, and welfare of the Sovereign and all her dominions.

MR. CHICHESTER FORTESCUE: Sir, I rejoice that the time has come when this Bill is to be thoroughly discussed in the House of Commons; because it appears to me, from the experience of the past fortnight, that no Bill ever needed complete Parliamentary discussion more than this. And I say that, because it is evident, from all that has passed in the country most vitally interested in the measure, from everything that I have been able to discover and study—speeches, letters, and leading articles—it is evident to me, I say, that a very great amount of misconception and ignorance still prevails in Ireland with respect to the practical effect and operation of the Bill. We are told, indeed—and we were told especially to-night by my hon. Friend the Member for Clonmel (Mr. Bagwell)—that it is a Bill scarcely intelligible from its complications, and a great deal more to that effect. But I am ready to contend—and I will challenge anybody to disprove my assertion—that, as compared with every former attempt at legislation on this subject, this Bill is by far the simplest of any that have aimed at a settlement of the relations of landlord and tenant in Ireland. I admit it appears to contain complications; but I defy anyone to produce a carefully considered measure upon this subject, framed by a Government which means to carry it, and is desirous to consult all the various interests involved, which shall not appear to be complicated, so many are the rights and contingencies which have to be considered. But if you judge it, in comparison with others which have preceded it, by its machinery, by the means which make it effectual to attain its objects, and, above all, to protect that least protected interest—the tenants of Ireland—I maintain it is by far the simplest and easiest system which they ever had the hope of obtaining from the Legislature. I will not say much in answer to what has been said from the other side of the House, because I am happy to say that much which has been urged is subject-matter rather for a Committee than for the Motion before the House. I rejoice that that is so, and I think it highly creditable to those who sit on the other side of the House. But there was an objection made by one very competent to make it—I mean the hon. Baronet opposite (Sir Frederick W. Heygate)—which I think ought to be noticed now, because it is not a matter of detail, but of principle and equity. He raised the question whether we, sitting in this House, are entitled to deal in this Bill with those who have purchased land within the last few years under the Encumbered Estates and Landed Estates Courts, and he maintained if I understood him rightly, that we had no right to do so; that, in fact, it was a breach of the pledged faith of Parliament to impose any new conditions upon the relations between those landlords and the tenants on their estates. That is a matter upon which the House is bound to form an opinion, and to give an answer to my hon. Friend. My answer is this—First of all, I maintain that the conditions which we are about to establish by this Bill, so far from doing any injury to those gentlemen who have purchased under the Landed Estates Court, will be to them an absolute benefit. I am very much inclined to take the relations of landlord and tenant in Ulster as an example in these matters, as I hope my hon. Friend opposite is; and we all know that the relations between landlord and tenant under the Ulster custom, so far from being disadvantageous to the landlord, are positively beneficial to him; while they are, at the same time, a great benefit to the tenant—I mean, of course, in comparison with the unprotected position of those tenants who are not shielded by any such custom. If we apply to the landlords of the rest of Ireland, including those who have recently purchased under a Parliamentary title, any system of legislation analogous to—I do not say identical with—the Ulster custom, we shall do them no injury. On the contrary, we shall not only improve the relations between them and their tenants, but we shall actually improve the value of their property. But, secondly, I say that Parliament is not to be shut out from legislation on a great and vital question of this kind by the fact that certain purchasers have obtained for certain purposes a Parliamentary title, and in this I am supported by perhaps the highest authority which it is possible to quote in this House upon such a subject. I have before me the opinion of a man who, upon this subject, can be considered as second to none—I mean the late Judge of the Landed Estates Court. Judge Longfield says—

> "It is sometimes supposed that a change in the law would be unjust to purchasers under the Landed Estates Court. I see no grounds for that opinion. The Act of Parliament which constituted the Court did not give a guarantee against future legislation. To do that is beyond the power of Parliament. What the conveyance of the Judges gives is the perfect right to the land, subject only to the adverse rights mentioned in the deed, and to such obligations as may afterwards be imposed either by the purchaser or by the authority of Parliament. It could hardly be contended that the purchaser with a Parliamentary title should be exempt from all Acts passed for the relief of the poor, or that the area of Poor Law taxation should not be altered"—(which is very likely to be the case before long),—"and yet such changes might have the effect of giving his poorer tenants a substantial interest in his estate. What the purchaser has a right to insist on is, that no law shall be specially directed against him"—(of course, we propose nothing of the kind),—"and that no rights shall be set up which were in existence at the time of his purchase, but were omitted from the deed of conveyance; but, in common with all the subjects of the realm, he must take, subject to all regulations that may be made by lawful authority, whether they increase or diminish the value of his property. The purchaser, by the fact of his purchase, places himself in a new relation to a certain number of persons, which imposes on him some very important duties; and it is for the State to determine whether those duties shall be enforced by law or trusted to his own conscience for their fulfilment."

More weighty words than those on such a point it is impossible to have. And now, Sir, before I go further into the merits of the Bill, I should like to say a few words upon the history and progress of this question of land legislation for Ireland—and a very instructive history the House will find it. The House will see that in the course of many years we have learnt a great deal upon this subject. We, upon this Bench, have learnt more now than even the foremost advocates of the tenants had discovered a few years ago. We have learnt that many difficulties which seemed insuperable were imaginary, that many bugbears were not worth looking at, that a vast amount of machinery which some thought necessary to work a system of this kind was not required, and that the nearer we arrived to simplicity and reality in this matter, and the closer we kept to the facts and usages of Irish life, the more likely we should be to succeed. It may be said that there are three stages in the history of this question. The first stage is from 1835 to 1852. In 1835 Mr. Sharman Crawford—a name that ought never to be mentioned in this House in connection with this subject without honour—first introduced the subject into the House; and, for the most part in his hands, the question was carried on until the end of 1852. At that time the subject was treated in a most tentative manner even by Mr. Sharman Crawford himself, and with the idea I have referred to of the necessity of elaborate machinery and safeguards. For instance, in the earlier Bills introduced by Mr. Sharman Crawford and his coadjutors nothing was dealt with except the question of improvements. There was at first no legalizing of the Ulster custom even by Mr. Sharman Crawford. Indeed, down to the year 1848 there was no idea of compensation for loss of occupation or dispossession. In the Government Bills of that period which were brought in by the then Lord Stanley (the late Earl of Derby), and the then Lord Lincoln (the Duke of Newcastle), the same or greater timidity was exhibited; but, at the same time, they raised very important questions and sanctioned very important principles. Lord Derby and the Duke of Newcastle sanctioned the principle that improvements executed by tenants ought to be compensated for at their value on the dispossession of the tenant without the consent of the landlord; and during the same period Sir William Somerville, occupying the position I now hold, introduced a Bill which sanctioned, though in a very tentative form, the principle of retrospective compensation. After that came a very important epoch in the history of the subject at the end of the year 1852. At that time a Bill was introduced by Mr. Serjeant Shee which is generally known as the Bill of the Tenant League, and which represented the opinions of the most advanced of the Irish Members of that period. At the same time, a most important official measure was brought forward from this Bench. It proceeded from the party now in Opposition, and was the well-known Bill of Sir Joseph Napier. That Bill, after being amended and liberalized by a Committee of this House, was eventually carried through the House of Commons by the Government of Lord Aberdeen, under the name of the Tenants' Compensation Bill of 1853. Now, it is interesting to remember the main provisions of those Bills. The Tenants' Compensation Bill of 1853 committed Parliament, or rather the House of Commons, to those important principles which, I hope, are now bearing fruit—namely, that the tenant was to be compensated for all improvements according to their value to the holding without the previous consent of the landlord; and that there should be retrospective compensation. With regard to the Tenant League Bill, it is even more interesting to recall its provisions. That Bill bore in many respects a likeness to the measure now under the consideration of the House, and it was far nearer to the wants and wishes of the Irish people than any previous attempt at legislation. It was founded on more enlarged knowledge of the circumstances of the case, and it was far simpler and, if I may so say, far more natural than previous Bills. As I say, it resembled the present measure in several respects. Like the present Bill, it enacted no direct bar to the landlord's power of evicting his tenants—that is to say, of taking his land into his own possession again; nor did it directly debar him from exercising the power of raising the rent; but it aimed at giving to the tenant, as we now do, that security and that protection which would prevent the exercise of these powers from being dangerous or unfair. Then, again, security and protection were given to the tenant by enabling him to sell his interest in the land, if it lay in Ulster, or, if the land were in any other part of the country, by granting him compensation for his improvements, and by giving him an additional sum of money, on account of the loss suffered by him by reason of his dispossession, according to the principles laid down in the Lands Clauses Consolidation Act which had recently been passed. The two main characteristics of the Bill were these—It recognized, as we do, a custom wherever it found one; and when it found no custom which could be enforced by law it gave protection to the tenant against arbitrary eviction by granting him compensation for any loss he might have sustained. It fell far short, however, of the present Bill in a most essential respect, for it gave no compensation whatever for the tenant's loss of occupancy, except where the tenant had added by improvements to the value of the property. I have no idea of undervaluing that Bill, because I think that, although it would have required to be drawn up more carefully if it had been in the hands of the Government, yet it was a Bill founded on the wants and circumstances of the Irish people, and there was a vast amount of good in the principles it contained. It had, however, a remarkable characteristic—a characteristic which, at all events, appears remarkable to us who have lived to the present day—that although it was the expression of the extreme representatives and of the extreme desires of the Irish people and of the Irish Tenant League, it positively gave no compensation whatever for dispossession or the loss of occupation, except when industrial value had been created by the tenant. I must add, that the framers of the Bill found it necessary, as a matter of machinery and arrangement, to draw a statutory distinction, as we now do, between the parts of Ireland in which a custom prevails and the rest of the country. The Ulster custom was dealt with, and I think as a matter of necessity, in one way. The remainder of Ireland was dealt with in another way. I will pass lightly over the period which followed. No doubt the Bill of the Irish Tenant League was carried on with energetic though ineffectual zeal by my hon. Friend opposite the Member for Mayo (Mr. G. H. Moore) and by my hon. Friend the Member for Cork (Mr. Maguire); but the time was not favourable for legislation of this kind. The attention of Government and of Parliament was not specially fixed, as it is now, upon the condition of Ireland, and, consequently, this great and vital subject was unhappily postponed. There were, indeed, two or three efforts made during that period to solve this question. Two or three Bills were introduced which may be styled "Bills of the period," being characteristic of a time when it was felt that very little could be done. For instance, there was the Bill of my right hon. Friend the present Secretary of State for War, which contained very valuable principles, but which was so wrapped up in swaddling-clothes that it could not walk. Then there was a Bill—and I am bound to mention it because it was one of the greatest interest—which never reached this House, but which, I believe, is known to the public, having been described in a blue book which is now upon the table of the House. It has been called "the Bill of the Irish Members." It is interesting to recall what that Bill was, considering that only four years have elapsed since it was devised by the most advanced Members of the Irish Liberal party. That Bill divided the Irish tenant-farmers into two classes; one class consisting of those who held, or might thereafter hold, leases of thirty-one years or upwards. In their case it made no provision whatever, but they were left entirely free to contract as they pleased with their landlords. With respect, however, to tenants holding leases for a less term than thirty-one years, it implied an agreement respecting improvements, and respecting improvements only. That was, no doubt, a limited ground; but, at all events, the Bill would have worked thoroughly and completely as far as it went, and have given to the tenant all it promised to give, without any elaborate machinery. Guided in a great degree by those views of the Irish Members on this side of the House, I myself had the honour of introducing a Bill on the part of the Government of Earl Russell. The Fates did not allow it to pass; but I have at least the consolation of believing that, as far as it went, it was the simplest and most efficacious Bill which had up to that time been submitted to the notice of Parliament. It is true that it did not cover the whole ground; but whatever it professed it would have effected. It was a real advance in the question, and I am glad to remember that it received the approval of many hon. Friends of mine who are now present, and of one Friend of mine who, I regret to say, is not now present—the late Mr. Dillon—who I am convinced would, if he were here now, bring his information, his intellect, and his patriotism to the support, in the main, of the measure before the House.

And now, Sir, I come to the Bill before us. The first clause of it is that which deals with the Ulster custom. Many criticisms have been made upon that clause, and there can be no doubt that it professes to do a great deal in a very few words. Some may say it is short and meagre; but the form in which it is presented to the House is one which has been adopted, after very careful consideration, by the Government. There are two modes in which it is possible to deal with the Ulster custom. You may undertake to define it in all its incidents and conditions—you may undertake to tell the parties concerned to do this and that; but if you take that course, you must enter into a vast variety of details in accordance with the various forms in which the custom exists in various parts of the Province. Another mode of dealing with it—the mode which we have deliberately preferred—is that which is contained in the Bill, which attempts not to define by law the various incidents and conditions of the custom, but which directs the Court to be constituted under the Bill to enforce it in every case in the form in which it may find it existing. That I believe to be the course which will prove to be most beneficial to the people of Ulster, and which is most in accordance with justice. We say that the Court shall ascertain in every instance what the custom is, and then enforce it—that is to say, the Court will find out—as it will be able to do easily, because the facts in Ulster are notorious—what was the fair understanding, according to the particular custom, between the landlord and tenant, and what were the fair expectations with which both parties made their bargain, and then enforce the custom. Now this mode of proceeding may, I admit, impose some trouble on the Judges; but that is an inconvenience which would be soon got over, for the intervention of the Court, not only in Ulster but in other parts of Ireland, will, I hope and believe, be a rare matter, coming into play in the mere minority of cases. The existence of a Court capable of dealing with authority with all these cases will always be a power in the background, which will have a constant and potent effect upon all the relations between landlord and tenant in Ireland, but its actual intervention will, I hope, be comparatively rare, and if any difficult problem arises it will be decided on appeal by a very high and authoritative tribunal provided by the Bill, and a few decisions will, I have no doubt, settle a vast number of cases. Sir, I see by the Amendments which have been placed on the Notice Paper that some hon. Members representing Ulster are not satisfied with the definition of the Ulster custom which is contained in the 1st clause. That is a matter of phraseology, and any questionable words are, of course, perfectly open to consideration. But the meaning of the words in the Bill is, I think, clear enough—namely, that that custom shall be held to include not only the payment made by the landlord to the tenant, but the tenant's right of disposal of his interest to his successor. The words of the clause are—

> "The usage prevalent in the Province of Ulster, with reference to the compensation to be made or allowed to or on account of an outgoing tenant of a holding."

Of course, if a landlord gives his permission to a tenant to assign his interest in his farm to an incoming tenant, no dispute would arise between them; it is only when that permission is refused that the provisions of the Bill come into operation. At all events, the intention of the Government is that the Ulster custom as it stands shall be legalized and enforced by law. As to the Bill as it affects the rest of Ireland apart from Ulster, we are told that it deals unequally and unfairly with different portions of the country. Now, that is an allegation which I am sorry to have heard made, and the justice of which I entirely deny. Above all, I regret that my hon. and gallant Friend who so ably seconded the Amendment (Captain White) should have introduced into this discussion the religious question. Anything more unwarranted than the introduction of such a topic I must, with all respect for my hon. and gallant Friend, say I have seldom known. The people of Ulster are not all Protestants: on the contrary, a majority of them all, and a decided majority of the tenants, are Roman Catholics. Moreover, all we do in respect to Ulster is to accept facts as they are: and that we think ourselves bound to do. We find existing there relations between landlord and tenant happier than exist throughout Ireland generally, and we recognize those relations. But then we are asked—"Why not extend this Ulster custom to the rest of Ireland?" Now, Sir, that is a question which provokes a good many questions in return. I do not deny that it is one open to discussion; but it is full of difficulties and questionable points, two or three of which I should like to lay before the House. Can we, let me ask first of all, create or extend a custom? I do not think we can. We can legalize a custom—we can enforce it—we can forbid it—but we cannot create it. Another thing, however, we can do—we can imitate it, and that is, I contend, what we have done, as far as was possible, in the case of the Ulster custom. I believe the strength and merits of this Bill lie mainly in the fact that it is not an artificial measure drawn by ingenious politicians or draftsmen, but that it is based on the best usages of the best Irish estates, of which usages Ulster presents us with the most perfect specimens. In other parts of Ireland we found usages not so fixed and definite, but analogous to the Ulster custom; and, above all, we found here and there throughout Ireland a practice prevailing on the best regulated estates, in accordance with which the landlord admits himself to be under a moral obligation not to change his tenant without strong reason, and when he does change him to compensate him for any value which he may have added to his farm, and for the loss he may suffer by his dispossession and the breaking up of his continuous occupation. We have kept these facts in view in framing this Bill, and in the case of the rest of Ireland, as apart from Ulster, we provide that the Court shall legalize any similar custom it may find in existence. Beyond these customs we have come to the conclusion that the wholesome practices which prevail to some extent are not capable of being embodied absolutely and literally in an Act of Parliament. We also are of opinion that the Ulster custom is not capable of being slavishly copied without regard to the circumstances of other parts of Ireland. But we have based our measure on this analogy, and shaped it into an enactment in a form as near to the original as we think can wisely and successfully be accomplished. Still I am asked—Why not simply extend the Ulster custom? Let me point out two or three difficulties in the way of that course. First of all, in Ulster landlords and tenants are perfectly aware of the custom under which they hold and have virtually contracted. In the next place, they have arranged their rent in accordance with the custom; a most important consideration, because there is no more dangerous and gross—I was going to say no more insidious—violation of the custom than to raise the rent to such a point as seriously to impair the value of the tenant-right. That is a breach of faith which I am happy to believe, when this Bill passes, can seldom occur again, because the landlord will have to find a tenant to pay, or pay himself, a tenant-right value, calculated at the former rent, or at such a rent as would not violate the custom; but it is a matter of vital importance when considering the Ulster system. In the next place, the Ulster tenants who possess those claims have actually paid sums of money for the enjoyment of their holdings upon entering into possession. What I wish to suggest for consideration is, whether it is possible, by the mere words of a statute and by the fiat of Parliament, to create such a custom as this? For instance, you can give a tenant, who has paid a large sum of money upon entering his holding, a similar claim upon leaving it; and we do this, wherever the case arises, all over Ireland. But can you give a tenant who has paid nothing upon entering his holding the same claim as you give to a tenant who has paid a large sum of money? Again, are hon. Members certain that it would be a boon to tenants in other parts of Ireland to tell them that they shall have what they can get for the saleable value of their holdings, and nothing more? That they shall have no compensation for improvements, and no compensation for dispossession, but merely whatever they can get from some other tenant for the saleable value of their holding—always remembering that, in the case of a small Irish tenant, the man in occupation will consent to pay a higher rent than any new comer would do? Would that be a boon to small tenants in the South and West of Ireland? I greatly doubt it. In the rest of Ireland, beyond what may be called the customary districts, rents are sometimes very high in proportion to the capabilities of the tenant to pay, and sometimes they are very low. Are we to confer upon the tenant who lives under a good landlord, at an easy rent, the high value which he might obtain from the sale of his interest, and, at the same time, when a tenant farms at a rack-rent, and probably upon very bad land, in a large part of the South and West of Ireland, are we to give him nothing but the sale of the interest which he may have in the holding of that land, the value of which interest may be little or nothing? I cannot see my way to such a system as being a solution of the problem in the other Provinces of Ireland. The difficulty is this—In Ulster we have a system which is for the most part sound; not that even in Ulster there are not many inequalities; and we have recently been furnished with evidence that there are in the Bill provisions which are in favour of other parts of Ireland, for resolutions have been recently passed in the Northern Province declaring that Ulster is badly treated in comparison—but, at all events, in Ulster we have a system which, as I have said, is for the most part sound and fair, and which admits of being sanctioned and legalized; but elsewhere, in other parts of Ireland, if we attempt to introduce by the process of statute a mere literal and slavish copy of the Ulster custom the result would be one of the most doubtful character. We should give too much to one man, too little to another. We should press too hardly upon the good landlord, and far too lightly on the bad. We should introduce by statute a system, not based upon the value of the tenant's improvements, not based upon the payment which he may have made to a former tenant—of course, a most just and equitable claim—not based upon any virtual contract between landlord and tenant, and also not founded upon the deliberate sense and opinion of Parliament as to what should be the future legislation between the two parties, but simply based capriciously and unequally upon the state of circumstances which we found existing at the time when the Act was passed. I do not know whether I make myself understood by the House; but, having looked closely into this matter, I feel strongly that there are great doubts whether what is called vaguely the extension of the Ulster custom to the rest of Ireland would be fair either to landlords or tenants in that part of the country. The matter is worthy of discussion; but it is my duty to present to the House the difficulties which the Government have felt in framing this measure. These being our difficulties, we have not attempted to import into the rest of Ireland a literal and slavish copy of the Ulster tenant-right custom. But we have not disregarded that custom. On the contrary, we have had special regard to the best usages prevailing upon the best estates in Ulster as well as elsewhere. We have taken the elements of the Ulster custom and translated them, so to speak, into a statutory form for the rest of the country. Whether that form is the best that can be devised is matter for discussion, though not at this stage of the Bill; but my duty is to tell the House what the object of the Government has been in proposing it. The principle I now speak of is that of taking the three elements of the Ulster custom and of similar customs elsewhere—payment by the predecessor, improvements by the tenant himself, and compensation for dispossession — and keeping these carefully in view in framing the main clauses of the Bill. These are Clause 3 and several which follow. Clause 3 has been talked of lately as if there was nothing else in the Bill; but that is a statement to which I demur, for there are several other clauses of the greatest possible importance to the Irish tenant. As to Clause 3, our object in framing it was that which I described just now. Sir, of course, the Government might conceivably have made up its mind to deprive the Irish landlord of all power of dealing with his own land. It might have decided that he should never resume possession; it might have decided that he should never raise the rent. These propositions the Government advisedly rejected. But they have endeavoured sincerely, in this and other clauses of the Bill, to do that which has been attempted formerly, though I think less effectually and less boldly, by the foremost advocates of the Irish tenant — namely, to impose upon the Irish landlord such restrictions as shall virtually and substantially produce the result desired by the reasonable friends of the tenant, and shall, for practical purposes, and in the main, put an end to the practice of unjust and arbitrary evictions. At all events—and this is a matter not to be forgotten—when the landlord does use that power, rightly or wrongly, the Bill will greatly mitigate the hardship of the operation, because it will be scarcely possible that any Irish tenant shall leave his holding a beggar or without the means of starting afresh in the world. Sir, it is often said that what we are doing is to put the tenants of the bad landlord, to use the common phrase, upon the same footing as the tenants of the good landlord. That is true as far as it goes, but it is much less than the truth, because the tenants of the good landlord, however favourably situated, are after all in a most precarious position. They depend upon the present disposition and upon the life of the landlord, and are liable, by change of circumstances, by death, by purchase and consequent change of ownership, to all those evils which we know so well and which have fallen heaviest upon the tenants of recent purchasers in Ireland. We therefore endeavour to put all tenants in Ireland not only in the position of the tenants of a good and considerate landlord, but in a still better, because much safer position. The Bill goes far beyond any previous Bills in effecting this object. Former Bills gave compensation for loss of occupation and injury caused by dispossession only in cases where the tenant had added actual value to the farm. We, on the contrary, direct the Court under Clause 3, even in the extreme case where the tenant has no improvement whatever to show, to give substantial compensation for the loss of occupation and the dispossession caused by the act of the landlord—an act, let me add, which can only take place after a notice of twelve months. But in addition to payment for the loss of occupation, let me say a word as to the provisions of the Bill with respect to improvements. We have not heard much, so far, as to that portion of the Bill; but it is one which is worthy the attention of the House and of Members interested in the Irish tenant. The question of improvements was once the whole land question, even in the opinions of men like Sharman Crawford; it is now somewhat out of sight, but it is of essential importance, and will become, I trust, more and more important in every coming year! It has never been dealt with so simply and broadly as by this Bill. We have entirely got rid of all the old machinery of notices, registrations, previous decisions by the Court, and so on. In short, we have followed the admirable example of Ulster; and have left the question of whether an improvement shall be compensated for to the natural play of the relations between landlord and tenant, and in extreme cases to the decision of the Court. We have not even attempted to enumerate "improvements" under this Bill. Everything, however simple, however humble, that adds value to the holding and is suitable to it, will be esteemed an improvement, and be the subject of compensation. Clause 4 is what may be called the Improvement Clause. It deals with improvements in the liberal sense which I have just described; it enables the tenant at any time when he leaves the farm, whether voluntarily or by dispossession, to claim the value of his improvements. I need hardly remind the House that in this Bill we introduce the clause once called "the O'Connell Clause," having been devised by the acute mind of Mr. O'Connell. By means of this clause the existing presumption of law is reversed, and the improvements effected on a farm are taken to belong to the tenant unless the landlord can show that they belong to him. Some objection has been made to this clause by my hon. Friend the Member for Carlow County (Mr. Kavanagh), who spoke with such ability and fairness this evening. He said it was unjust. Now, I think it quite the contrary. The change which this clause makes is one that has been long demanded. It is surely only just and equitable that the presumption of law should follow the general course of facts; and I need hardly take up the time of the House by showing that in the vast majority of cases the so-called improvements—all those works which make it possible to inhabit and cultivate land—have been the work of the tenant in Ireland. Again, is it not fair to throw the onus of proof on the stronger party, who in this instance is the landlord? These considerations have induced us to adopt fully and frankly the O'Connell clause in this Bill. The Bill creates a property in a tenant's improvements which will not depend on the will of the landlord. The tenant is at liberty to disengage his capital, and to require the landlord to allow him, according to the Ulster custom, to receive compensation for them from the incoming tenant, or else pay it himself. By Clause 6 the same mode of treatment is applied to another charge, which we may call the tenant-right of payment. We know that in Ulster when a tenant has made a payment for the goodwill, with the assent, either expressed or implied, of his landlord, he is entitled to receive a similar payment when he is leaving the farm. These things are sure to occur under this Bill, to what extent will depend on the landlords themselves. Clause 6 will give the tenant a property in such charges. If in any part of Ireland a tenant shall be in the position of an Ulster tenant — that of having paid a certain sum of money on entering his farm—and if he have improved the farm while in possession of it, he will be able to realize both the payment for goodwill and the value of the improvements, either on eviction or on voluntarily giving up the farm. These two things appear to me to make up the Ulster custom. Therefore, if in any case a state of things similar to the Ulster custom shall grow up under this Bill, it will be recognized; and, on the other hand, if in Ulster a tenant enter a farm on the same terms as a tenant in any other part of Ireland, he will be brought under the general provisions applicable to the country generally—that is, he will obtain whatever the Court may award him on account of loss by disturbance, and for improvements. Let me mention one other point in connection with this part of the subject. Those who know anything of land tenure are aware that even the tenant holding from year to year has power to assign his farm. Will not compensations such as those provided by the Bill give the tenant great advantages where he is making such arrangements? Will they not make the landlord's assent far more probable and his refusal far less easy?

And now a word or two on the subject of leases. A good deal has been said about the system of leasing provided in the Bill. This is a matter which it may be more convenient to discuss in Committee; but I may observe that, at all events, the leases proposed by the Bill are of a liberal character. There is the twenty-one years' lease for the case of the landlord who puts himself on the same footing as English and Scotch landlords—that is, the footing of landlords who provide buildings and everything in the way of works necessary for the due cultivation of the farm. I am surprised to find that in the Tenant League Bill it is proposed that wherever the landlord makes improvements after the practice of English and Scotch landlords he shall be entirely exempted from any claim under the Ulster custom or under the Bill even when he has given no lease. Our Bill deals more liberally towards the tenant where the improvements are made by the landlord. Even under the thirty-one years' lease we give the tenant a claim for permanent improvements. Sir, the next question I will touch upon relates to the tribunals by which the law under this Bill is to be administered. I have heard a great deal said as to the amount of litigation which the courts provided by the Bill will be the means of causing; but I confess I am not able to discover the force of what has been urged on that point. My hon. Friend the Member for Clonmel (Mr. Bagwell) said something about every landlord being obliged in future to "keep an attorney;" but he did not explain how disputes, should they arise, can be settled without the intervention of some court or other. What does the Bill provide? I believe, contrary to my hon. Friend, that his attorney will be very much disgusted at its operation, because anything simpler I cannot conceive. In the first place, the parties, if they wish, have nothing to do but to go to arbitration—a mode of settling these questions which is very familiar in Ireland. I know some hon. Members have thought that under the Bill one of two parties may force the other into arbitration. But that is not the case. Both parties must agree to the arbitration, and then that mode of settlement will be final; but if they do not agree they go to the Chairman of the Civil Bill Court, and I must say that a more obvious and practical mode of settlement I cannot imagine. The County Court is generally presided over by an able man; it is a tribunal impartial, accessible, and cheap. In addition to that, the appeals to the Judges of Assize are, as I am assured, equally convenient and cheap. With respect to the final appeal to what is called in the Bill "the Court for Land Cases Reserved," that is an appeal which can only be had by permission of a Judge of Assize, and it is justified by a consideration which, I think, the House will recognize at once. The Government believe that occasionally a question of great interest and importance may arise—a case which may govern a variety of circumstances in the future, and which it will therefore be advisable to have decided by the highest court that can be found in Ireland. Under the control and by the permission of the Judges of Assize, it will be possible to bring such cases before the high tribunal of appeal created by the Bill. But with respect to the ordinary mode of deciding these questions between landlord and tenant, either by arbitration or by the action of the Chairman of the County Court, sitting without either a jury or the county magistrates, but with the assistance of a practical valuator acting as assessor, in my opinion it is quite impossible to find a more efficient or a cheaper mode of adjudication. Sir, I will not dwell, on this occasion, upon the second part of the Bill. I will only say that I trust it will enable many a tenant-farmer to put himself in the position of an owner of land. I believe that if it does this it will, to the very great benefit of the country, increase the number of the middle class and of the proprietary class in Ireland, and will swell the ranks of law and order in that country.

In conclusion, let me assure the House that this Bill has been founded by the Government upon the most careful consideration of the facts and wants of Irish life, and after a thorough examination of all former efforts that have been made to solve this great problem. I hope and believe that our efforts have not been unsuccessful to reach, but not to overpass, the line of equity and justice. Speaking for myself, as an Irish landlord, I am perfectly ready to accept those restrictions and charges which we desire to impose upon others. I know very well that this Bill will limit my power as a landlord, and the power of all landlords, but only when that power is unjustly exercised. I know perfectly well that what the hon. Member for Carlow (Mr. Kavanagh) said to-night is true—that under this Bill the landlord will not be able to do as he wills with his own; but I know equally well that these restrictions will be for his own good as they are for the good of the tenant. There are, indeed, no restrictions in the Bill but such as are imposed upon themselves by the best and wisest landlords. I hope and trust that Irish landlords will take that view of the measure before us. On the other hand, I must venture to express my hope that the representatives of the tenants will meet us in the same spirit. I trust that they will take good heed not to miss an opportunity of settling this great and vital question which may never occur again. Speaking with a knowledge of the subject and with a deep sense of responsibility, nothing to my mind can exceed the importance of putting an end to that state of uncertainty and agitation which now mischievously and most dangerously affects the minds of the agrarian portion of the population of Ireland. I trust that their friends and representatives will not mistake their true interests, and will not unwittingly deceive them by asking on their behalf for anything that goes beyond the line of policy, justice, and possibility; but that, on the contrary, by a spirit of fairness and moderation, making up their minds to put an end to this intolerable state of uncertainty, they will enable Parliament to pass the Land Bill of 1870, and thereby to sign and seal with the Irish people a long, I hope a perpetual, lease of prosperity and concord.

Dr. BALL: Sir, the right hon. Gentleman who has just sat down commenced his observations by inviting a full and free discussion of the measure now before the House. I trust that in so inviting that discussion he did not mean to solicit suggestions or discussion merely from those who, generally supporting the Government, are at present endeavouring to put a pressure upon him and the Government with a view to induce them to enter upon the most dangerous and most fatal views and measures. I trust that he also meant to invite a full and free discussion from those who, although opposed to him in general policy, are willing to give their assistance by any suggestions in their power, or by any Amendments which may occur to them, to render this measure a final and complete settlement of the question. Sir, I am unable to agree with all the objections that are made to this Bill. I am also unable to concur in the high estimate which has been placed on the advantages it will confer upon the people. I believe that both are exaggerated. I believe that the effects of the Bill in several directions are exaggerated, and that this arises from the legal meaning and the legal result of the provisions of this Bill not being completely understood. A measure of this kind, dealing with the ownership and management of land, is susceptible of considerations of a three-fold character—political, economical, and legal. Taking the first of these views of the subject—namely, "What is the political effect of this Bill?"—I express my opinion that the effect will be extremely small. The Bill does not interfere with the relations of social classes to each other as regards their relative positions. It may impose pecuniary burdens upon one class; but, subject to those pecuniary burdens, the Bill leaves the power and the status of that class exactly as they stood before. I will illustrate what I mean by calling it a Bill not interfering with the relations of landlord and tenant in Ireland, or with the power or influence of the territorial aristocracy of that country, by showing what would so interfere—and that is if the Government were to adopt the suggestions that have been pressed upon them by persons who have roused in that country a spirit of agitation and disturbance demanding that tenants should become the absolute owners of the soil and the landlord a mere owner of rent-charge. If their views were carried out, you would introduce a political and social revolution. The landlord must receive an income—that would be the simple relation between him and his tenant. The landlord would never come into contact with his tenant, he would not know anything about him, but would merely receive an annual sum like a fundholder dealing with that body which you cannot perceive—the nation, the Government, or whatever it is that pays the dividends upon the Funds. The landlord, I say, would not come into contact with the tenant; and thus would be severed for ever all the various relations which at present subsist between them, all mutual feelings of respect and esteem—generosity and propriety of conduct on the one side, and gratitude and right feeling on the other. All that would be terminated at once and for ever. The proprietor would be no longer a source of enlightenment to the district in which he resides. His influence for refinement, improvement, the management of property, and the conduct of affairs in his neighbourhood would cease, if this scheme of creating in the tenant an absolute ownership in the soil, and in the landlord no possession and no relation but that of recipient of money were carried out. The Bill does not produce this result; and, therefore, I say that the objections I have seen offered to this Bill on that ground are not well founded. It keeps within the limits of the relation of landlord and tenant; and the considerations applicable to this Bill and the objection to its provisions are therefore not political, but economical and legal. The Bill does not err in the direction to which I have alluded; but I am not able to extend that remark to other relations. It does appear to me to err in the economical principles applied, or rather violated, in it. The Bill also errs against legal views and principles which I should have thought almost axioms in regard to legislation. Before I come to consider what I deem defects in this Bill, I think it right to state at once that, as far as I am concerned, I do not object to large and liberal legislation upon existing relations. I do not object to a fair settlement of any controversies or differences there may have been on this subject; and no man can deny that the public mind has been agitated with discussion and controversy, not merely by agitators, but by philosophical writers applying themselves to investigate the abstract principles on which these relations are finally to be determined. I do not object to any fair, large, or liberal settlement which is confined to the termination of existing controversies and the settlement and final arrangement of existing relations. I do object to a permanent, unalterable, unchangeable system being created, unless that system be abstractedly, according to legal and economical principles, the best. I say you are not to legislate for posterity under the panic of a moment. You may legislate for the moment—for what exists at the time; but what right have you to pronounce upon a nation the doom of inferiority, and to declare that it is incapable of rising to a better and higher standard? Now, the classification adopted in the Bill of all the relations of landlord and tenant connected with any termination of tenancy—for that, in fact, is all that the measure deals with—is three-fold. First, the Bill assumes that the Province of Ulster demands a wholly different treatment and law from the rest of Ireland. Secondly, it assumes that there exists, not the real Ulster system, or what is known as the Ulster tenant-right, but a sort of analogy to that—an imitation of it—which has grown up in other parts of Ireland; and this is treated of in the second section. And, thirdly, it assumes that the whole of the rest of Ireland demands to come in under one head—that of the third section—which applies to the whole of the rest of Ireland—in which neither the Ulster tenant-right nor the imitation or analogy of it prevails, but in which heretofore the whole of the relations of landlord and tenant have stood simply and exclusively upon contract. The Bill deals with two kinds of relations connected with the tenure of land; the one kind being the usages of Ulster, or those which are imitative of Ulster, but not in that Province; and the other being existing relations founded wholly on contract. With respect to the Ulster tenant-right, I entirely agree with the Chief Secretary for Ireland, that if you are to keep that tenant-right and to legislate on the footing that there is to be no improvement of the system, and that it is to remain as it is, there are only two ways of accomplishing your object. One is by shaping your measure so that it shall be flexible, and shall accommodate itself to every variety and modification of the tenant-right; and the other is to determine the right and fix it permanently over the whole district. For my part, I own that although I have a great admiration for Ulster tenants, I cannot profess as great an admiration for Ulster tenant-right. I cannot forget that a nobleman who has contributed as much information and knowledge as any man in Ireland on this question—a nobleman whose name I have never heard mentioned without respect in his relations to his tenants, and who is himself a Member of the present Government—has paid from £8,000 to £10,000 to extinguish the Ulster tenant-right on his own estate. And why did he do it? Why does a man of large capacity and great experience in these affairs, who has thought and reflected upon them philosophically, subject himself to that large payment and incur that great expence, except that he believes the system may have its merits, but is by no means the more excellent way, and that he saw his course to one that was more consistent with the welfare of the country? I do not think he had in view his own interest only, but also the interest of his tenants; and let me here say that the true and permanent interest of the landlord is the same as that of the tenant; and it is a miserable and short-lived benefit that is gained for the landlord which does not at the same time conduce to the permanent well-being and comfort of his tenantry. I say that Lord Dufferin went to all this great expense in order to terminate the system only because it is by no means the best one. I do not say that you are to come down and abruptly terminate it altogether. You cannot do that with relations that have gradually grown up. But my objection to this Bill is that it is not content with dealing with existing relations or with providing that the landlord shall purchase up the tenant's right or give an equivalent to terminate it. I will show that the Bill contains absolute and positive words of coercion to enforce the continuance of every one of those vicious systems which political economy should teach the Government to endeavour to bring to an end. I say there are only two modes of dealing with the Ulster tenant-right—the one is to fix and define it, and the other to make its definition flexible so as to accommodate itself to every variety of form it assumes. After much inquiry among Ulster men, I have been unable to find any fixed standard of tenant-right in that province. An authoritative document has been issued by the Government to which I would call attention. In the Reports of the Irish Poor Law Inspectors Mr. Hamilton, one of those officers, says—

> "In Fermanagh, the Ulster tenant-right custom exists upon many estates in a modified form, restrictions being imposed which are almost unknown and would hardly be tolerated further north. Some proprietors, indeed, decline altogether to acknowledge or permit it; while others allow it under certain well-defined restrictions. And it may be interesting to state what are the various usages which, so far as I could learn, are in force on the most important properties in the county. On Sir Victor Brooke's estate the price is settled by arbitration, the seller and buyer each naming an arbitrator and the landlord an umpire, and the value is regulated according to the condition of the farm and the improvements on it. On Lord Erne's estate the price is fixed at five years' rent and the value of improvements made, but this restriction seems to be frequently evaded. On Lord Enniskillen's estate it is limited to two and a-half years' rent, and the outgoing tenant must surrender his holding to the landlord. On Lord Ely's estate it is limited to three years, except where extensive improvements have been made by the outgoing tenant. I am informed that on the Rev. Mr. Porter's estate it is not permitted to exceed two years' rent, and if the farm is left in an exhausted state nothing is allowed. On Captain Archdall's estate I am told that it is also limited to two years' rent and the value of improvements. On Mr. D'Arcy Irvine's estate, and also on some others, it is not allowed at all."

That is merely the case of one county. I have taken the trouble to make inquiries on the subject this very day from one or two large proprietors. One nobleman told me that on his estate the tenant-right is that the tenant may sell, but it must be to another tenant of the estate. Another proprietor told me that on his estate the rule was a limit of years upon the sale, and that his agent should approve of the incoming tenant. Now, I desire to know from my hon. and learned Friend the Solicitor General for Ireland in regard to the words in the 1st section referring to "the usage prevalent in the Province of Ulster," which of all those various usages is meant by the language of that section? The section runs thus—

> "The usage prevalent in the province of Ulster with reference to the compensation to be made or allowed to or on account of an outgoing tenant of a holding (and which usage is commonly known and in this Act referred to as the Ulster tenant-right custom), is hereby declared to be a legal custom, and shall in the case of any holding in the province of Ulster proved to be subject to such custom be enforced in manner provided by this Act."

Besides the difficulty arising from the language of this section not embracing every variety of development of the custom, I must also object to the words on another ground. I doubt whether they meet the real Ulster tenant-right at all. The Ulster tenant-right, according to the best information I can obtain, is the right to sell to another, under the restrictions of the estate, which vary to such a degree that they range from two years' value on one estate to, I believe, as high as twenty years in some others. [An hon. MEMBER: To forty.] I really felt afraid to say so high a price; but I am told on very good authority that it has reached as much as forty years' value in particular instances. In addition to that, the usage has this other essential ingredient in it, at all events on some estates—the approbation of the landlord. I say, then, that to make all this variety a fixed and perpetual law is in itself the creation of an evil. Have you not struggled in England to escape from evils of that kind by endeavouring to enfranchise copyholds? You felt that a variety of tenure was an evil—a source of litigation and of expense—and that there ought to be one definite tenure cognizable and known to every person. Can any lawyer, if this law passes, tell any landlord what is the exact relation between him and the tenants on his estate? He can never do it till it has been adjudicated upon by a Judge. Does the language of the section mean the usage of the holding, the usage of the estate, the usage of the barony, the usage of the county, or the usage of the province? I should say, as a lawyer, that if it came to be interpreted by a Judge, it would be out of his power to apply it to anything but the actual holding in question. He could only ascertain the terms of the particular holding by going back from tenant to tenant; and the Act would be abortive where the tenancy had passed from father to son without payment for many years. It has been the subject of complaint by the tenants that the landlords have been altering this custom from time to time. Under these circumstances, what is the usage which the Judge is to decide and fix for ever on the estate? Is it that of the last seven years, of the previous five years, or three years? Is it to go from father to son? I wish to be perfectly fair, and in the observations I have made I do not think the Government are altogether to blame in taking up this clause, because I have found myself a strong and decided feeling among persons in the North of Ireland in favour of retaining some clause of this kind. What I object to is our saying that this is to continue there for ever. You can only escape from it by falling into the provision of the 3rd clause. If you buy up all the Ulster tenant-right on your estate, and, like Lord Dufferin, have paid £10,000 for purchasing it, you are to fall under the 3rd section of this Bill, and find yourself again with a sliding scale of compensation. And to whom are you to pay that compensation but to those from whom you have already bought up the tenant-right? Yet, after all, you are to be subject to a sliding scale varying from seven years' to two years' rent of the land. If I have paid £10,000 in discharge of all the tenants' rights of a character embracing in them improvements—and it is admitted that the Ulster right covers everything—after that I find myself under the 3rd section with a new set of liabilities, a new set of duties, and a new set of expenses. Now as to the 2nd clause, though it is not strictly framed to meet the Ulster tenant-right principle, nevertheless it may operate in places where the Ulster tenant-right has grown up. The clause applies to cases where some imitation of the Ulster custom has grown up through the kindness or goodness of the landlord. It speaks of the usage by virtue of which compensation is made or allowed. What is to be the test? Is it to be one year, five, ten, fifteen, or twenty years? Is it to spring from bounty? — from the negligence of a tenant for life? Is a remainder-man to be bound by the conduct of his predecessor? What is it that creates the custom under the 2nd section? It is better that these things should be defined. The 3rd section, that is, the general case of Ireland, remains to be considered. Admitting, with the Chief Secretary for Ireland, that it would not only be unwise but absolutely impossible to apply the complicated and ever-varying system of tenant-right to the whole country, I am not disposed to view the 3rd section with the disapprobation some hon. Gentlemen have expressed. I should be disposed to object to it if I put upon it the interpretation which the Secretary for Ireland does. It states that—

> "When a tenant is disturbed in his holding he is to receive compensation, regard being had to the improvements in his holding by the tenant or his predecessors, and to the loss sustained by him on quitting his holding."

I construe the 3rd section to mean, not that there is a property in occupancy, because if a Judge had to pay a man for his occupancy, no more mischievous measure was ever introduced, but that the section requires first that a Judge should recognize all the improvements made; and, secondly, that he should have regard to the tenants' plan of cultivation, his plan of management and trade, and the value of the produce he may expect from it. That is a just and proper view of the case, for unless the farm were a mere grass farm you would, by disturbing the man in possession, affect all interests in the land. There can be no cultivation of a farm without some view to the future. Even a farmer of twenty acres should have one part in oats, another in potatoes, and the rest in grass; he must farm upon some system, and what the Bill contemplates is that when the Judge found a man was managing with prudence he should be rewarded for his prudence; and, on the other hand, that he should suffer for his improvidence. As far, therefore, as this section is concerned —and interpreting it as I have done— I cannot join in the opposition which has been made to it. What I object to in this section is the scheme of compensation. I regard it as altogether too high. The ordinary value of a fee-simple estate in Ireland is twenty years' purchase. Of course it may be worth a great deal more in the North of Ireland, where, however, this section would have very little operation. This section applies to that part of Ireland where the land is selling at a very low figure, and, taking the value at £10, as it is in many parts of Ireland, the landlord would be obliged to pay £70, or one-third of the fee-simple for compensation. I admit it may be said that the Judge has a discretion; but I would prefer that the discretion should not be so wide, for, although some Judges would be perfectly safe, others might not be so in all cases. Sometimes humane feelings would spring up which some Judges would find it difficult to resist, and I submit that seven years' rental is a very extreme sum to give for compensation when the legal right is temporary. But this is a question of degree, and, as I have already said, I do not object to the principle of the clause, placing upon it the interpretation I do. Now, with respect to the improvements, I give my support to the Bill, with one exception. I do not understand why there should be no period at which liability to compensate for permanent improvement should cease. Even a house will not last for ever. If I enjoy the use of a house for a certain number of years I obtain the full value of it by my use; and should there be no period at which liability for improvements ceases, a man might claim compensation for a house 150 years old. The claim for ordinary improvement you allow to cease after twenty years — you say a tenant shall not claim compensation in respect of any improvement made more than twenty years before the passing of this Act except permanent buildings and reclamation of land. But, suppose the case of a "permanent" improvement made fifty years ago; the tenant has reaped the benefit of it, and has repaid himself his expenditure on account of it; and it cannot seriously be contended that anything in this world is permanent and everlasting. There is another peculiarity in this Bill. It gives a right to the tenant to claim by what is called his predecessor's title. Now, this is a claim which hangs, as it were, for ever over the landlord, without any period mentioned at which it is to cease. There are two other matters to which I shall allude before coming to what I object to: they are the power of lending money and purchasing. I think the effect of the facility given to tenants under this provision is exaggerated, the advantages which would accrue from it are doubtful, and I do not believe in the permanent existence of these small fee-simple tenures. I have been much influenced in my consideration of this point by the fact that this is not the first time an attempt has been made to plant small freeholders in Ireland. Cromwell divided large parts of Ireland among his soldiers in small fee-simple gifts. I had a title before me on one occasion in which father and son in direct line from Cromwell to the day I wrote upon it, had held fifty acres in Tipperary, but of what class were they? They were gentry; and I never saw another such case. I believe that was bought by a neighbouring large proprietor, and "Cromwell's debentures," as they were called, have uniformly been absorbed in the same way. I believe the tendency of civilization is to give the poor more profitable methods of employing their ability and capital, such as will yield more immediate returns, than such small holdings, which would bind them to remain for ever planted on one spot. The profits from small holdings are small; and, though the desire to retain the fee-simple is great, it is overcome by the consideration of profit, by special pressure, by the necessity of providing for a family, by the ambition of large owners, and by other causes which tend to make the temptation to sell irresistible. But what I believe would be for the great advantage of Ireland, and what is demanded by the needs of Ireland, is some inducement for the creation of a resident gentry. The great calamity of that country is the enormous amount of money taken out of it by absentees. Let any man read the speech of Bishop Jebb in 1822, when he gave an exact statement of the rents taken out of Limerick by absentees; let him take the miserable account of empty boxes which that Prelate states to have been the result of his applications to the absentee proprietors for assistance at a time of public distress, and he will see what it is that Ireland needs. I do not want extensive proprietors for Ireland; but I do believe what that country requires is men of independent fortune in the middle class of proprietary gentry, educated, enlightened, bringing with them civilization and an example of refinement, and spreading those influences around them. I could name one county which is filled by resident gentry of this class—the county of Carlow—which is without a flaw in its present condition, and why? Because that country is inhabited by a resident gentry of moderate and competent fortune. This, in my opinion, is the line that really beneficial legislation for that country should take, and not the creation of that which I believe will not be permanent. But, as I said before, I shall undoubtedly support the Government in that part of their Bill. I think it is in some degree a sort of compensation to those landlords who may not be able to accommodate the arrangements of their estates to the new demands made upon them by this Bill. I think it is not an unfair thing in itself, and think, too, that it is a desirable thing to scatter over the country an independent fee-simple proprietary. It is not well to have in any country but one solitary standard, great proprietors and humble tenants. I should be sorry to see the whole country parcelled out in that one uniform manner. I think a nation gains by a variety of classes, interests, pursuits, and habits; and I desire, therefore, to see not only a resident gentry, but also to the limited extent to which this Bill goes, and even to a larger extent, a number of small proprietors in fee. My observations, therefore, are not to be understood as opposing the proposal of the Government, but only as meaning that it will not produce the extensive effects which you contemplate. As regards the tribunals to be established under this Bill, I am almost entirely in accord with the right hon. Gentleman the Secretary for Ireland. I have only one observation to make on the subject. As to the court of appeal, I cannot conceive why the duty of being always there is thrown on the Lord Chancellor and the Master of the Rolls, two of the most overworked Judges in Ireland. I cannot understand why the Vice Chancellor is left out. I now come to what appears to me the cardinal objection to the Bill. The 2nd clause contains this provision—

> "Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as the same relates to such claim, be void."

And again at the end of the 3rd clause is this provision—

> "Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as relates to such claim, be void."

Now, the effect of these clauses is this—no man can bargain with his tenant to terminate or vary the arrangements of these clauses. The third section relates to the future, and it is to the future that my objections point. It extends not only to tenancies from year to year, but to every kind of tenancy. I am dealing now with every other custom but the Ulster custom, and I say that the effect of the prohibitory clauses of these two sections is that no man can by agreement with his tenant place himself on an independent footing outside the provisions of this Bill. If I am about to let my land, why should I not have the power of saying to the tenant—"I give you this land a pound an acre cheaper on condition that I am not subject to compensation. I prefer to lose so much money rather than be embarrassed by complicated rights, be liable to be brought before a Judge, and afterwards probably be dragged from one tribunal to another. I prefer to have such an arrangement that he who runs may read." But what do you propose? You say—"No, you shall not do that. If you give the land at a pound an acre less on condition that no compensation be demanded, such contract shall—unless you give a thirty-one years' lease—be void." Now, I do not object to any Bill containing a provision that a contract shall be void, if that contract is *per se* objectionable. But my objection to your system is that it is not the best, and, what is more, you know it is not the best. For here you are in England arrived at the highest pitch of civilization, you claim for yourselves that you are models to the world, you hold out your social relations to the admiration and envy of Europe, and you insist that the relations between landlord and tenant in your country shall be on the footing of contract. What have you been doing? You have been working ever since the day that Latimer denounced the landlords who drove out their tenants, telling them that the Divine vengeance would come upon them for it—you have been working, I say, to make landlord and tenant not ascertain their rights by litigation, but have them established on the solid basis of contract, so that every landlord in England knows for what he contracts, and every tenant in England knows for what he has to answer. You dare not bring in a Bill and say to English landlords—"You have gone on a wrong system; we will put back the hand of the dial; and direct that everything shall stand on tenure, and nothing on contract." You know if you were to bring in a Bill to do that you would not get five votes for it in this House. Why do I say that this is conclusive against your present proposal? I say it because you have got the best system, and I believe it to be the best, because I believe that Englishmen, having set their hearts on the best system, would be content with nothing less. What do I ask for my country? I ask the right to rise to the same standard as yourselves. I demand that you will not lay down a rule of this kind, and say—"This is good enough for Ireland. The Irish people differ from the English. There is a positive incapacity in the Irish landlord to deal with his tenants by contract, and in the Irish tenant to take care of himself by contract. The Scotch and English are able to do it. Therefore the true system shall be reserved as a *privilegium* for them, but the Irish shall not be able to attempt it; because we shall put a clause in an Act of Parliament to prevent it." That is what I object to in your Bill, and in the tone of the legislation that is now advocated as philosophical and right. I object to it because it is put forward as legitimate and right. Is there a political economist, is there a thinker, that approves such a principle? And here let me say that the true standard, the true test to try things by, is not the violent political passions of the time, or the eager partizanship of men seeking to recommend themselves to a Minister, but it is the unperturbed reason of the philosopher and the thinking man. Come to that test, and tell me whether those ideas are up to the standard that is laid down by the most philosophic minds. I can say they are not. I do not agree in governing Ireland according to the Irish idea. I cannot consent to introduce a different principle of law into that country from what exists in England and Scotland. I say that my ambition would be to raise my country to the level of yourselves. My desire would be to make it as nearly as possible resemble you. What have we gained by the Union? Incorporation into your greatness, to be sharers in your glory, an opportunity of being one and the same with you. This is what we ought to gain, and it is precisely this, which you now seek to deny us. You reverse the policy of Pitt when he carried the Union. You reverse the policy on which the measures of Peel and Russell also have been founded, and on which our whole legislation has since proceeded. From the time of Pitt up to the introduction of the Irish Church Bill and of the present measure, the views of English statesmen have been—"Let us do everything we can to make Ireland, England." But your views now are—"Let us raise up an eternal barrier—a broad line of demarcation between England and Ireland." What you say is—"We will not legislate for you on the same principles; we will not give you the same laws; we will train you up from your earliest childhood in habits different from those which prevail in our own country;" and then you are surprised that there is springing up in Ireland a spirit of nationality, when a moment's reflection would show that such a spirit is the natural growth of such a system. I think that there is great danger in laying down one system for this country and a different one for Ireland; and yet on every subject where legislation is necessary the Government put forward for Ireland a policy exactly the opposite of that which they adopt for England. They have abolished all endowments; they have abolished all acknowledgment of any religion in Ireland. They now proceed, with this Land Bill, to keep up Irish customs so as to disable the people from rising to the English standard. And on education they come forward and say that for Ireland they will have a system which they cannot introduce in England. In fact, in everything that is done there appear symptoms of a depreciation of the Irish nation. I have no objection to a fair settlement of this land question; but I protest against making a covenant with posterity against any alteration. What I desire is to retain a hope that we may adopt your system, your rules, and your laws. I desire to retain the power of doing that which will bring us into so intimate a union with yourselves as to lead to such a consolidation, not merely of our interests, but of our habits, affections, and feelings, as will tend to the promotion of our true glory and true greatness.

MR. MAGUIRE moved that the debate be now adjourned.

MR. GLADSTONE said, he trusted that, through the kindness of Members who had Notices on the Paper, the House would be permitted to resume the debate at the earliest possible moment to-morrow. He would especially appeal to the noble Lord opposite (Viscount Crichton), who had placed on the Paper a Notice impugning the conduct of the Government with regard to Ireland, and if the noble Lord would give way he should be happy to afford him as early an opportunity after this debate had terminated as he possibly could to bring on a Motion, which, for the satisfaction of the Government as well as the noble Lord himself, they would be glad to have speedily discussed.

VISCOUNT CRICHTON intimated his willingness to accede to the request.

Debate *adjourned* till *To-morrow.*

STAMP DUTY ON LEASES BILL.

(*Mr. Chancellor of the Exchequer, Mr. Stansfeld.*)

[BILL 59.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

MR. BOURKE said, that although he did not approve of some of the details of this Bill, he would not oppose the second reading.

Dr. Ball

MR. ALDERMAN W. LAWRENCE said, while thanking the Chancellor of the Exchequer for the promptitude with which he had introduced the Bill, he trusted the right hon. Gentleman would forgive him if, when they got into Committee, he moved the omission of the additional 10*s*. stamp duty, and left the Bill to act purely as an indemnity against the effect of the decision which had been recently given. If it were desirable to put upon every building lease, large or small, the additional stamp of 10*s*., it should be made uniform on all leases. But he protested against fixing heavy charges upon small properties, and he hoped that the Legislature would at any rate free small owners of property from the injustice.

SIR HEDWORTH WILLIAMSON said, he agreed with the hon. Gentleman who had just spoken as to the advisability of the omission which he suggested. Though he (Mr. Alderman Lawrence) had at first thanked the Chancellor of the Exchequer for the Bill on behalf of his constituents, he had thought, on reading the second clause, that he had begun to halloo before he was quite out of the wood. He trusted that the right hon. Gentleman would re-consider that portion of the Bill before they got into Committee.

MR. G. B. GREGORY said, the Bill, which was intended to be one of indemnity, had actually been framed so as to be a Bill of imposition; and to the latter part of it he strongly objected.

MR. KINNAIRD said, the effect of the measure would be to put a new and most unjust and oppressive tax on the poor man. He was glad the other night when he heard the Chancellor of the Exchequer say that he was about to do a popular thing: and, as a strong adherent of the Government, he called upon him now to redeem his promise by exempting the poor man who desired to become possessed of a tenement, from an additional tax of 10*s*. The Liberal Chancellor of the Exchequer ought not to throw a fresh difficulty in the way of humble voter enfranchised by the Bill of the right hon. Gentleman opposite.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the House would allow him to explain how the matter stood. By the recent decision of the Court of Exchequer, in addition to the *ad valorem* duty it was necessary that all leases containing a covenant for building or repairs should have a stamp of 35*s*. In obedience to the request of hon. Gentlemen, he had introduced the Bill giving indemnity to those having leases subject to the additional stamp prior to that decision. The result, if the measure stopped there, would be that every lease executed prior to the 1st of February would be exempt from the tax, and every lease executed after that would have to pay it. He had been very much pressed to consider the case; he did consider it, and he had acceded to the request made by introducing the Bill of indemnity, but, wishing to act fairly, he thought it would not be sufficient to leave the matter there, but that it would be right and proper to anticipate so much of his general Stamp Bill, and reduce the tax for the future to 10*s*. And now the hon. Alderman and other hon. Gentlemen came forward and pressed him to strike out the clause imposing the 10*s*. tax. He was quite willing to do so; but the only effect of it would be to let the tax remain at 35*s*.

Motion *agreed to*.

Bill read a second time, and *committed* for *Thursday*.

MUNICIPAL BOROUGHS (METROPOLIS) BILL.

On Motion of Mr. BUXTON, Bill for creating Municipal Boroughs in the Metropolis, *ordered* to be brought in by Mr. BUXTON and Mr. THOMAS HUGHES.

Bill *presented*, and read the first time. [Bill 65.]

METROPOLITAN CORPORATION OF LONDON BILL.

On Motion of Mr. BUXTON, Bill for creating a Metropolitan Corporation of London, and for continuing the Municipal Government of the City of London; and for other purposes connected therewith, *ordered* to be brought in by Mr. BUXTON and Mr. THOMAS HUGHES.

Bill *presented*, and read the first time. [Bill 66.]

COUNTY OF LONDON BILL.

On Motion of Mr. BUXTON, Bill for creating and regulating the County of London, *ordered* to be brought in by Mr. BUXTON and Mr. THOMAS HUGHES.

Bill *presented*, and read the first time. [Bill 67.]

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 8*th March*, 1870.

OWENS COLLEGE EXTENSION BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF HARROWBY said, he felt some reluctance in moving the second reading of this Bill, not because he doubted the excellence of its object, but because he was obliged to differ from his noble Friend (Lord Redesdale), who presided so usefully over private legislation in this House, and but for whose very proper jealousy general rules would, no doubt, in some cases, be unduly overridden by private Acts. He doubted, however, whether the objections raised by his noble Friend were of sufficient weight to induce their Lordships to refuse to read the Bill a second time. Their Lordships might be aware that about twenty-five years ago an eminent citizen of Manchester, Mr. Owens, bequeathed a considerable sum — nearly, indeed, £100,000 — for the establishment of a College in that city, to bear his name, his intent being that it should have a broad and liberal basis, and should embrace everything taught at our Universities, so as to offer the advantages of a first-class education combined with the special knowledge suited to the particular industry of the district. About 1852 the executors or trustees were enabled to carry this purpose into effect, £90,000 being invested in founding a College. The object commended itself to the feelings of the inhabitants of the great northern metropolis, and the endowment was augmented by various persons and societies until it amounted to about £128,000. A demand having arisen for an extension of the usefulness of the institution, a number of persons subscribed considerable sums—many £1,000 each —and £30,000 had been already raised, while there were promises of about £60,000 more. But it was felt that in the case of so large an endowment, there was a difficulty in entrusting so large a sum to mere private trustees, and that there ought to be some better security for its due administration. Then, as part of the money had been invested in land, and a number of transactions had occurred in connection with the intended extension of the College, some organization in the nature of an Act of Incorporation was wanted to give legality and stability to any future proceedings. The Bill proposed, therefore, to incorporate the new contributors, and to authorize them to come to an agreement with the College trustees, so as to combine in carrying out the scheme of extension. The objection to this course, as expressed in the report of the Attorney General, was that the Bill was of an unusual character, and sought to create a new incorporated body, which might confer with the College trustees, and with the consent of the Charity Commissioners have the trust transferred to them; whereas the usual method of dealing with and enlarging an existing trust was for the proposal to proceed from within, and for the Court of Chancery or Charity Commissioners to consider whether the extension was a legitimate one. The noble Lord (the Chairman of Committees), moreover, had suggested that a charter might be got in another way, and as the Crown now refused to grant charters to educational endowments, the only alternative was to proceed under the Joint Stock Companies Act. But there would be considerable difficulty in this mode of proceeding. The Joint Stock Companies' Act was not intended for cases of this kind. That Act was intended only for commercial and mercantile undertakings, all its provisions being designed for the protection of the shareholders, and all associations incorporated under it having to apply to the Board of Trade if they wished for any change in their constitutions. The inconvenience of a great educational undertaking being placed under the Board of Trade was obvious, especially as it would not be entirely withdrawn from the control of the Charity Commissioners. The provisions of the Act enabling one-fifth of the shareholders to wind up the concern was also strikingly inapplicable to this case. He was told, indeed, that some twenty schools and smaller educational institutions had adopted this course; but it was evidently a diversion of the Act from its real purpose, and it must be difficult to make its machinery work in such cases. This scheme was, in fact, one for a great northern University; and surely they would not put an University under the Joint Stock Companies Act. He thought, then, there was good reason for asking Parliament to consider this case by itself. He thought there could be no fear of the powers now asked for being abused; it was not an instance of a great company or a great association swallowing up a smaller one *nolens volens;* they were merely seeking to enable one considerable body of men to agree with another considerable body of men, with the view of enabling them, by their joint efforts, to form one great powerful and united body, for the purpose of enabling them to carry out the objects in a broad and efficient manner. The promoters had shown their good faith by their readiness to make large personal sacrifices, but until they were incorporated, they had no power of dealing with the trustees. Were the object a trifling one he should not have put himself in opposition to the opinion of the noble Lord; but the object was a great one, and it admitted of no delay, for there would be danger of the subscriptions which had been promised not being received. £20,000 had been invested in land, £10,000 more was in hand, and £60,000 more was promised, but without further authority the promoters could not proceed. In view, then, of the importance of the matter to a district with which he had always been connected, he hoped their Lordships would read the Bill a second time.

Moved, "That the Bill be now read 2ª."—(*The Earl of Harrowby.*)

Lord REDESDALE said, it was extremely painful to him to raise an objection to a measure which many persons of great eminence were anxious to see carried. At the same time, he thought it his duty to bring this matter before the House in the strongest possible manner, because he believed the concession of this Bill would be absolutely fatal to the proper conduct of the Private legislation of Parliament. The noble Earl (the Earl of Harrowby) said he would not have brought forward the measure if it had been of a trifling character. The question, however, was one of principle, and that being so the importance of the scheme was immaterial. In fact, one of the great dangers of the Bill was to be found in the fact that it was backed by Members from Manchester and other parts of Lancashire, and that an amount of influence had been exerted in favour of the Bill which, if allowed to prevail, would prove most injurious to the course of private legislation. The noble Earl had not fully stated the objections to the Bill. The principal objection to it was that the body asking to be incorporated was not yet constituted—in short, was a non-existent charity. If people who merely subscribed to promote objects in which they took a personal interest were to be allowed to be incorporated in this way, it was difficult to see how the Private Business of Parliament was to be secured from gross abuses. Long before the meeting of Parliament, he had stated his objections thus—"This is a Bill for incorporating a non-existing charity, to enable it to annex the property of another charity, setting aside, to a great extent, the express intentions of the founder. I do not think anything of the kind has ever been done, and it would be a bad precedent." When Parliament met, and the Bill was lodged, it was referred to the Attorney General in the ordinary course. The Attorney General in his report pointed out that it was of an unusual character, requiring the serious consideration of the House, inasmuch as its object was to create a new incorporated body, without the consent of the Charity Commissioners, and to authorize the transference to itself of the trust property connected with Owens College. The Attorney General added—"Looking at the usual mode of dealing with such foundations, any enlargement of existing foundations should proceed from within, and be directed under the previous sanction of the Court of Chancery or the Charity Commissioners." Therefore, having that opinion in confirmation of his own, he was justified in saying that the Bill ought not to be proceeded with. His objection was, first, that the Bill would incorporate a non-existing charity; secondly, that it would fuse Owens College with the body so incorporated. It was true that the consent of the Charity Commissioners would be required; but if the Bill passed, the Commissioners would be able to do what they pleased; whereas the course had always been for the Commissioners, after due inquiry, to sanction a scheme which was afterwards submitted to Parliament for consideration or alteration if necessary. Thus Parliament would abandon its power of revising the decisions of the Charity Commissioners, and a precedent would be established for dealing with a charitable fund in a manner totally opposed to the intentions of the founder without subjecting the new scheme to the approval of Parliament. If the door was once opened to such a danger it was impossible to say how far it might extend. The noble Earl (the Earl of Harrowby) said it would be awkward for the promoters to incorporate themselves under the Joint Stock Companies Act. He believed that in some cases charters had been refused on the ground that the parties applying formed an educational body, and they were recommended to incorporate themselves under the Joint Stock Companies Act. That was the case with Cheltenham College. [The Earl of HARROWBY: In that case they were shareholders.] The persons applying in that instance might have been shareholders, but not for any profit. They were merely subscribers, like the promoters of this Bill, and their object was to erect a large educational institution. Why should not the same course be resorted to in this instance? But if they did not like to put themselves under the Joint Stock Companies Act, there was the alternative of placing themselves under a deed of settlement which would make their fund perfectly safe, and enable them to treat with Owens College, and then apply jointly to the Charity Commissioners, so as to come before Parliament as a united body in a regular and formal manner. In neither case need there be any serious delay. This was not a party question; but there had doubtless been a considerable canvass, and if their Lordships allowed such agitation to be applied to Private Business the door would be opened to great evils. In answer to his challenge for the production of precedents the promoters had only been able to cite two Scotch cases; but in both of them the trusts were already constituted and estates were held, to deal with which an Act of Parliament was required. They were, in fact, Estate Bills, and had been sanctioned by the Scotch Judges; but this was a body without any constitution, which desired to be incorporated and to deal with another body, in order to act contrary to the intentions of the founder. Unless they wished to act contrary to his intentions there was no occasion for an Act of Parliament, for the original powers which he gave his trustees were very wide, though not wide enough to authorize a departure from certain things which he deemed fundamental, and therefore the promoters of this Bill now sought, without any recommendation from the Court of Chancery or the Charity Commissioners to alter the powers of the trust. He hoped their Lordships would not open the door to dangerous and fatal consequences.

THE EARL OF HARROWBY wished to explain that he was ready to modify the Bill, so as to make the scheme settled by the Charity Commissioners dependent on the approval of Parliament.

LORD REDESDALE replied that this concession took away the entire reason for the Bill, except as to the incorporation of a non-existing charity, which could be effected in a more regular way. If the matter was to come before Parliament in the last resort, there was no occasion for applying to Parliament now.

EARL DE GREY AND RIPON stated that while admitting the weight due to the opinion of the noble Lord (Lord Redesdale) on a matter of this kind, Her Majesty's Government, having given very careful consideration to this question, had come to the conclusion that the objections raised by the noble Lord were not of such a nature as ought to induce their Lordships to reject the Bill. The noble Lord divided his objections into two parts—the first being that this was a proposal to incorporate what he called a non-existent charity; and the second that it was intended to unite that body with an existing trust. Now, the opinion of the Attorney General had reference to the latter point only. As to the first objection, he thought the noble Lord's distinction between an existing and a non-existing body rather a shadowy one. There were many examples of charitable institutions supported by subscriptions, after a certain period of existence in that stage, coming to Parliament to ask for incorporation. Therefore the objection, so far as it rested on precedent, was that the subscribers in this case had not done a sufficient number of acts to constitute them an existing body. [Lord REDESDALE: Hear, hear!] But they had, at any rate, done acts which showed a considerable amount of vitality. They had subscribed £90,000, and bought the land on which they proposed to erect their new College. Having done that, and being desirous of carrying out their most important scheme, they found that unless they could obtain a legal position all these proceedings would be undertaken at their own personal risk. The noble Lord recommended them to incorporate themselves under the Joint Stock Companies Act, and referred to the refusal of charters in some instances as a precedent for rejecting this Bill. But the circumstances of Cheltenham College were not analogous to those of this case; it was already a highly flourishing institution, and had no need of a charter for educational purposes; besides it was a proprietary College, whereas in this case there was no question of proprietary interests. Further, he thought it important that very great care should be exercised in the granting of Royal Charters, because they tended to give an unfair advantage to institutions which received them, where such institutions were in competition with other similar establishments; and, further, it would be unfair at the pleasure of Government to grant them in some cases and refuse them in other similar ones. The noble Lord's suggestion, that a body of gentlemen who had subscribed a large sum of money for a public object should form themselves into a joint-stock company simply in order that having united themselves with other trustees and obtained the approval of the Charity Commissioners to a new scheme they should then wind themselves up, seemed rather unreasonable. Except that a shorter time had elapsed since the formation of this body of subscribers, he did not see the great distinction drawn by the noble Lord between this and other cases in which incorporation had been sought. The noble Lord said the trustees of Owens College were the persons who ought to be asked for a new scheme; but it was only natural that this large body of subscribers, comprising persons of eminence in Lancashire, should prefer to reserve to themselves the initiative and the power of dealing with the trustees, instead of taking the course advocated by the noble Lord, which would place them entirely in the hands of the trustees and of the Commissioners. This Bill, however, distinctly provided that the scheme should be submitted to the Charity Commissioners for approval; and he did not know that it would be impossible to insert a clause to secure to Parliament an opportunity of pronouncing a final opinion. The noble Lord spoke more than once of this Bill as altering the fundamental trusts of the will of the late Mr. Owens. The first of those was that there should be an entire freedom from religious restrictions in regard to instruction; and the second, that a certain degree of preference should be given to Manchester, and then to Lancashire. To the first of these the testator attached the greatest importance, and the Bill provided for the observance of the directions of the founder of the College in that respect. No doubt the Bill would interfere with the second provision; but during late years those who had paid attention to the question of education had formed the opinion that a preference of that description did not operate advantageously. Indeed, in the case of an old established charity Parliament would have no hesitation in removing such a restriction; but if, in Committee, it was thought desirable to retain the preference, he should advise the promoters to accede to it. Upon these grounds, it appeared to him that if their Lordships read this Bill a second time they would not set up a precedent so dangerous as his noble Friend seemed to fear. They would not establish any precedent which would allow a mere body of subscribers to ask for incorporation; because one of the features of this Bill was the proposal to unite with an existing trust. He could not doubt that the object of this Bill—the establishment of a great educational institution in the North of England—was one of great public utility, and he rejoiced to see the leading citizens of Lancashire coming forward with large subscriptions for so good an object. He did not deny that if the objections of the noble Lord were as weighty as he supposed they would constitute a reason for stopping the Bill *in limine;* but he (Earl De Grey and Ripon) believed they were not so important as had been represented, and he therefore hoped their Lordships would read this Bill a second time.

LORD ROMILLY said, he was not opposed to the second reading of this Bill; but he desired to call attention to a highly important question which it raised—namely, the whole private legislation of Parliament and the manner in which it was conducted. It was a subject demanding the utmost consideration and even investigation. The functions which Parliament discharged in trying the merits of Private Bills were purely judicial functions, and no part of the judicial functions of the country was so ill performed at such enormous expense, or at such a sacrifice of justice. A few years ago nobody could obtain a divorce without an Act of Parliament, and a very few years ago an estate which was closely entailed could not be sold, however desirable it might be, if the person entailing it had forgotten to insert powers of sale, without an Act of Parliament. These things, no doubt, had been altered. Government talked of consolidating and uniting the law courts; but whilst they were engaged upon legal reforms they ought not to forget to reform private legislation, which stood greatly in need of it. Feeling the great importance of charities, he himself had ventured last year to introduce a Bill on the subject, constituting all charities corporations. It was, however, vehemently opposed by noble and learned Lords, with the single exception of his noble and learned Friend on the Woolsack, who was disposed to assist him at first, but afterwards thought the objections so strong that he could not assent to the Bill, and he was obliged to withdraw it. Had it passed, however, the greater part of these Bills would have become unnecessary. A great objection to private legislation was that it only assisted those who could produce a very large sum of money—for he did not believe any Private Bill, if opposed, could pass at a less expense than £1,000. These were judicial functions, and should be treated as such; but no body of persons were so incompetent to perform judicial functions properly as Committees of the House of Commons. He might mention a very serious fact that had come under his consideration. Shortly after he had the honour of a seat on the Bench, an eminent railway company having got into a dispute with one of its directors, he had to take the accounts between them in the Court of Chancery. In going over these accounts he found the item of £10,000 for secret service money paid to Members of Parliament. The director stated in his affidavit that the money had been paid; he disbelieved him, and he disallowed the item, and he only mentioned the circumstance then in order to show the scandal that arose from the present system of private legislation. Now, the scandal occasioned by the discussion of such a question in court was a serious evil, and steps ought to be taken to treat these functions as purely judicial. The noble Lord (Lord Redesdale) had for a great number of years performed the functions of Judge in Committees with great care and skill, and great reliance was placed upon him in uncontested cases. But in all other cases the conduct of Private Business was most unsatisfactory. Either the Bill under discussion must be treated as a Public Bill, or it must be left to the consideration of a Committee like a Private Bill. He did not say whether it might not be desirable to take the former course, in which case it would come before a Committee of the Whole House; whereas, if treated as a Public Bill, any alterations, such as the important and desirable one conceded by the noble Earl (the Earl of Harrowby), might be made in a private room, without the House exercising any judgment in the matter. He trusted the Government would seriously consider this question of private legislation, with a view to making that really judicial and comparatively inexpensive which was now very costly and unsatisfactory.

On Question ? their Lordships *divided:* —Contents 33; Not-Contents 6: Majority 27.

Motion *agreed to:* Bill read 2ª accordingly.

Lord REDESDALE said, that if the Bill should come before him as "unopposed" he should certainly, as he had power to do, refer it to a Committee of the Whole House. He was sorry to find that the Government and their supporters had in such numbers voted for the second reading of this Bill, and he regarded the course which had been taken as fatal with regard to the conduct of Private Business. He hoped, with the noble and learned Lord (Lord Romilly), that steps would be taken by public legislation to render private legislation in many matters unnecessary. He hoped power would be given to constitute bodies of this kind in a manner less open to objection than by the machinery of the Joint Stock Companies Act. The noble and learned Lord's remarks applied also to Local Government and Health of Towns Acts, for almost every large community had an Act of its own—a confusion which would be avoided if the general Acts on these subjects were of a satisfactory kind. As regarded the vote now recorded, he could not help feeling that more mischief had been done by it to the private legislation of Parliament than had been done during the whole time he had been Chairman of Committees in that House.

Earl GRANVILLE agreed in the desirability of rendering Private Acts in many cases unnecessary by some general legislation. He must protest against the noble Lord's statement that this was a Government measure; for his noble Friend (Earl De Grey and Ripon), when asked to move it, distinctly declined to do so. The second reading of the Bill had been moved by his noble Friend opposite (the Earl of Harrowby), who certainly did not belong to Her Majesty's Government, and it was supported by a majority of Peers on the front Opposition bench. Although his noble Friend (the President of the Council) had thought it his duty to support the second reading of the Bill, there was no ground for saying it was a Government measure.

Lord REDESDALE said, there had been a Government "whip" to insure the attendance of noble Lords on that side. ["No, no!"]

Lord HOUGHTON assured the noble Lord (the Chairman of Committees) that he laboured under a misapprehension as to the feelings of the House on that matter.

The LORD CHANCELLOR thought the noble Lord (Lord Redesdale) had charged the Government rather hastily with taking up this Bill as a party measure. Looking on such Bills as being, on the whole, matters of a semi-judicial character, as his noble and learned Friend (Lord Romilly) had termed them, he should have been ashamed of himself if he had treated this Bill as a party measure. It certainly seemed to him to fall under the ordinary rules applicable to Private Bills. Having had some experience of Private Bills, as counsel before both Houses of Parliament, it certainly surprised him to hear the noble Lord (Lord Redesdale) urge that the circumstance of a number of persons not being already incorporated was a reason why they ought not to be allowed to come before Parliament as they now did. Why, all persons who wished to make a railway were in precisely the same position. They subscribed their money; and because they could not execute their works without applying to Parliament, they came there to be incorporated. So, in the present case, the parties had got together nearly £90,000; they had purchased land; and they now came there to be incorporated —than which nothing could be more natural or legitimate. As to the suggestion that they should come in under the Acts relating to the carrying on of business by shares, the gentlemen who had subscribed this money had done so for the promotion of a great public object, and not for any purposes of profit—indeed, many gentlemen who would willingly subscribe to an object of that description if the promoters were incorporated, would have nothing to do with it in the way of shares. No doubt, in the case of a charity, the ordinary course was for the trustees first to apply to the Court of Chancery to know whether the Court thought they ought to make an application to Parliament. But that was because trustees had no funds of their own —they were a charitable body, and could not spend sixpence on an application to Parliament without the sanction of the Court of Chancery. In the present case, however, a number of persons had subscribed their money and asked to be put side by side with another corporate body, saying they would save it the expense of going to the Court of Chancery for leave to promote a Bill in Parliament by themselves bringing in a Bill empowering them to act together for an excellent object. It was a measure of immediate local interest, and it appeared to him to fall fairly within the Standing Orders and the rules and regulations relating to Private Bills.

House adjourned at half past Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 8th March, 1870.

MINUTES.]—SUPPLY—*considered in Committee* —SUPPLEMENTARY CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*First Reading*—Sunday Trading * [68].

Second Reading—Irish Land [29], *debate further adjourned.*

UNIFORM CODE OF BUOYAGE.

QUESTION.

MR. GRAVES said, he wished to ask the Secretary to the Board of Trade, If the Corporation of the Trinity House has decided on establishing a uniform Code of Buoyage for the harbours and coasts within their control; and, if so, whether, with the view of laying down a system for national adoption, the Northern Commissioners of Scotland and Ballast Board of Ireland have been consulted, and concur in the plan proposed by the Trinity House?

MR. SHAW LEFEVRE: Sir, the corporation of the Trinity House have been engaged since 1860 in carrying out an uniform system of buoyage for the district over which they have control, and that system has now been adopted by all local authorities in England, except that of the Mersey. The Northern Lights Commissioners and the Irish Ballast Board were not, I believe, consulted as to that system, and still carry out independently their own system.

IRELAND—JURY LAW.—QUESTION.

CAPTAIN DAWSON-DAMER said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been directed to the expediency of assimilating the Law of Ireland to that of Scotland with respect to the finding of verdicts in cases in which unanimity cannot be obtained?

MR. CHICHESTER FORTESCUE, in reply, said, he greatly doubted whether so great a change as that mentioned in the Question of the hon. and gallant Member could be made except in a general change of the law applicable to the United Kingdom. He should have been prepared to give a further opinion on the subject; but considering that in a day or two a general statement would be made to the House regarding measures for the better prevention of crime in Ireland, it was not, therefore, desirable to enter further into the subject at present.

IRELAND—CULTIVATION OF TOBACCO.

QUESTION.

MR. STACPOOLE said, in the absence of his right hon. and gallant Friend (Colonel French), he would beg to ask Mr. Chancellor of the Exchequer, If he will permit on any and on what terms the cultivation of tobacco in Ireland?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the subject has been frequently inquired into, and I am sorry to say with results adverse to the feeling that prompted the Question of the right hon. and gallant Gentleman. It is certainly a very injudicious thing to prohibit any of Her Majesty's subjects from engaging in any industry they may think proper; but, even assuming that the soil and climate of Ireland are suitable to the growth of tobacco —which I do not believe to be the case —I am afraid that it would be impossible, with the view of maintaining the large revenue derived from tobacco, to permit such cultivation, except under such restriction of Excise as would render it unprofitable. It is better, in my opinion, to let the matter stand as it is, because the £7,000,000 derived from the tobacco duty is now collected in a most unobjectionable manner.

NAVY—MEDALS FOR JAPAN.

QUESTION.

MR. W. E. PRICE said, he would beg to ask the First Lord of the Admiralty, Whether, as medals have been given for the Abyssinian, Umbeyla, and New Zealand Campaigns, he does not consider that a medal should also be granted for the two General Naval Actions of Kagosima and Simonosaki in Japan?

MR. CHILDERS: In reply, Sir, to my hon. Friend I have to say that on no subject should more caution be exercised than as to the grants of medals or clasps for particular expeditions or actions. In the first place, it is necessary for the Admiralty to act in harmony with the War Office in respect of medals for actions on land; and, secondly, it is important not to make medals too cheap. Now, I find that since the Peace of 1815 no medals were issued for the naval operations between 1834 and 1840 on the coast of Spain, for the operations in the Persian Gulf of 1821, for the action at Lagos in 1852, and particularly for Sir Charles Hotham's expedition up the Parana in 1845. I am not prepared to say that the actions at Kagosima and Simonosaki are of so much greater importance than those I have mentioned as to justify me in recommending to Her Majesty the grant of a medal for them; and I am, therefore, unable to give an affirmative reply to my hon. Friend.

SCOTLAND—POLICE FORCE.

QUESTION.

SIR JOHN OGILVY said, he would beg to ask the Secretary of State for the Home Department, If it is the intention of the Government to bring in a Bill this year for providing superannuation allowances for the Police Force in Scotland?

MR. BRUCE, in reply, said, he hoped to be able to deal with the subject referred to in the hon. Member's Question at the same time when he dealt with a similar subject for England. In the present state of Public Business, he could not promise to introduce the measure before Easter.

POST OFFICE—GRANTHAM MAIL BAGS.

QUESTION.

LORD JOHN MANNERS said, he would beg to ask the Postmaster General, Why the Grantham mail bags for London are sent round by Nottingham and Derby at the risk of occasioning many hours' delay in the delivery of the letters, instead of being sent directly viâ Peterborough?

THE MARQUESS OF HARTINGTON, in reply to the Question of the noble Lord, said, that the arrangement was adopted because it enabled the letters for London, together with those from the North-west of England and Scotland and Ireland, to be despatched together, and, while the despatch was sufficiently late for all ordinary purposes, it enabled the letters to be sorted before reaching London. There had been, he believed, two cases in which the night mail bags had been unable to reach London in time; but measures had been taken to prevent the recurrence of such a delay. Later despatch might, no doubt, be given by the train which left Grantham at twelve at night, but that was not a mail train, and the convenience to be obtained by such an arrangement would not be worth the expense it would be necessary to incur.

INCOME TAX ON CHARITIES.

QUESTION.

SIR CHARLES WINGFIELD said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is true that

Income Tax has been charged upon subscriptions to the Bengal Orphan Fund, such subscriptions having hitherto been exempt, as of the nature of premiums on life insurance; and, if so, what is the reason of the change?

THE CHANCELLOR OF THE EXCHEQUER: There is no clause, Sir, in the Income Tax Acts which exempts the subscriptions to charities from the payment of income tax, although they may be considered in some degree *pari materia* with life insurances. They were, by an error, exempted in the India House; but that error having been discovered, it has been corrected.

SPANISH AND PORTUGUESE BONDS.

QUESTION.

MR. SOMERSET BEAUMONT said, he would beg to ask the Secretary to the Treasury, What Papers or Documents there are in the Treasury having reference to the debts stated to be owing by Spain and Portugal to this Country; and, whether he will lay them upon the Table of the House?

MR. STANSFELD, in reply, said, there were papers and documents in the Treasury bearing upon the subject, which there would be no objection to lay upon the table.

ARMY—QUARTERMASTERS OF MILITIA.

QUESTION.

VISCOUNT ENFIELD said, he would beg to ask the Secretary of State for War, Whether the retirement of Quarter Masters of Militia will be made compulsory after the present year; and, whether in the computation of their retiring allowances previous service in the regular forces will count as well as the time spent in the Militia?

CAPTAIN VIVIAN: In answer, Sir, to the noble Lord's Question, I have to state that the retirement of quartermasters of Militia will be carried into operation in accordance with the principle announced in the Secretary of State's speech on the Army Estimates; that is to say, it will be optional till the 1st of April, 1871, when it will become compulsory. With regard to the second part of the noble Lord's Question, the retiring allowance of quartermasters will be in addition to the pension they receive for their Army service.

IRELAND—GRAND JURY OF MEATH.

QUESTION.

COLONEL TAYLOR said, he wished to ask the Chief Secretary for Ireland, Whether he has received a Letter from the Foreman of the Grand Jury of the county of Meath, dated the 28th February; and, if so, whether the Government intend to act upon the suggestions contained therein; and, whether he has any objection to place a Copy of the Letter in question, and his Answer to it, upon the Table of the House?

MR. CHICHESTER FORTESCUE: In reply, Sir, to the Question of the hon. and gallant Member, I have to state that I have received a letter from the foreman of the Grand Jury of the county of Meath, which I have answered. My answer was only an assurance that the representations of the Grand Jury had received, and were receiving, the anxious and careful consideration of Her Majesty's Government. Of course I shall be glad, if it is desired, to place both the letter and the answer upon the table of the House. I can only say that it would be inconvenient to make a partial statement upon a subject which is to be fully gone into on an early day.

DESTITUTION IN THE METROPOLIS.

QUESTION.

MR. W. M. TORRENS said, he wished to ask the Secretary to the Poor Law Board, Whether he was aware on the 1st instant, when a Motion was made regarding the increase of Distress, of the facts which were immediately afterwards disclosed in a Return compiled and published under the authority of the Poor Law Department—namely, that in the third week of February the number of destitute persons in the Metropolis had increased by 11,000 beyond the week preceding, and that since the beginning of the present year the number relieved out of Rates had increased from 152,792 to 180,231?

MR. A. PEEL said, in reply, that he was not aware of the figures referred to by the hon. Member, and although he had heard with some surprise the imputation contained in that Question, he still hoped the hon. Member would acquit him of any desire to mislead the House for any purposes of debate, or on any occasion, or for any purpose whatsoever, to suppress or distort the truth. The figures referred to by the hon. Member did not in any way affect the statement it was his duty to make the other night during the course of the emigration debate, for his denial of any general or wide-spread distress in the agricultural districts was quite compatible with the existence of local and temporary distress in the metropolis. The figures read by the hon. Member were, he regretted as much as any one to say, correct; but the hon. Member's argument was not sound if he attempted to infer a general and permanent increase in pauperism from a merely temporary increase of destitution. The increase he alluded to was occasioned by the severity of the weather in a particular month such as London has not experienced for many years. The temperature of the week—the Return for which would be made to-morrow—was unusually low also, and, therefore, the House must expect one more unfavourable Return. He trusted, however, that the returns would soon show a permanent recovery from the late extraordinary depression.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

SECOND READING. ADJOURNED DEBATE.

[SECOND NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bryan.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Mr. MAGUIRE: Sir, I rise under no less weighty pressure of responsibility than that which influenced my hon. Friends the Members for the counties of Kilkenny and Limerick: for not only am I, with my hon. Friends and Colleague, the representative of a large city and a considerable agricultural population, but I have been for nearly eighteen years more or less identified with every effort made in this House during that long period to remedy the admitted evils in the relations between landlord and tenant in Ireland. But, Sir, while expressing, in the most unreserved manner, my belief in the thorough sincerity and uprightness of the hon. Mover and Seconder of the Amendment, and their unaffected anxiety to promote the best interests of the tenant-farmers of their country, I can only say that my sense of responsibility—taking into account the enormous gravity of the subject, and the actual condition of Ireland—impels me to a different course and an opposite lobby. Such have been the expectations of the Irish people in reference to this measure, the result mainly of long delay and disappointed expectation, that if it failed to realize the object for which it was intended, the result would be very sad for the country, as it would be certain to create in the minds of the people a strong sense of injury and injustice. The long delay in dealing with this question has been productive of evil; yet I doubt, if we balance the one against the other, we may not come to the conclusion that the delay in practical legislation has not been of some benefit with respect to the interests of the Irish tenant. It is true Parliament has, period after period, baulked the hopes and disappointed the expectations of the Irish people with respect to a matter vital to their interests; it is true that from this disappointment has arisen a spirit of disbelief in constitutional action, which, in the minds of the rash and the passionate, has again given rise—necessarily and logically—to a belief in more violent means of redress. But, on the other hand, if we had legislated in the spirit, and tone, and temper, not to say of some statesmen, but of the House of Commons of ten, or even five years back, we should have been rather planting dragon's teeth in a soil fruitful of mischief, than sowing seed from which we could hope to reap a harvest full of peace and gladness. But not only must there be no further delay—for further delay would be fraught with the direst peril; but there is no necessity for delay, as Parliament is, as it were, ripe for the settlement of a question which Parliament knows must be settled, and settled justly, if good is to be the result. Better that we recoiled from the effort than that effort should of necessity prove abortive. Let us endeavour to understand our real position; and, above all things, let English and Scotch Gentlemen fully comprehend the difference between their country and Ireland, and how legislation which may not be needed for, or which possibly may not suit England or Scotland, is absolutely necessary for Ireland. I listened last night with honest pride to the eloquent speech of the right hon. Gentleman the Member for the University of Dublin (Dr. Ball)—for an Irishman is to me a countryman, whatever his creed, his party, or his politics. That speech did credit to his ingenuity as a lawyer, and also convinced me how nobly he could advocate a true and just cause. To the Irish Solicitor General I freely commit his strictures on the construction and legal operation of certain material clauses of the Bill. The right hon. Gentleman confined himself very much to a lawyer-like criticism of the details of the measure; but he also indulged in the expression of opinions which, however eloquently expressed, were very much exaggerated in their character, and to statements which, in my mind, were not altogether justified by fact. If any Gentleman in this House, who knew nothing whatever of Ireland, received his first impression of the Irish farmer from the right hon. Gentleman, he would naturally suppose that the typical Irish farmer was a substantial yeoman, full of energy and vigour, resolute and sturdy, who could hold his own against the whole world. Now, Sir, I do not refer to the fat grazier with his plethoric purse, to the gentleman farmer, or the sturdy tenant with a good balance at the bank; but I speak of the great mass of the Irish occupiers, those who hold from five to fifty acres, and I ask the House, are these Irish tenants—and these constitute the bulk of the tenantry of Ireland—are they in a position of equality with their landlords, or are they able to deal with them on equal terms? The right hon. Gentleman was eloquently indignant because Government proposed to protect this numerous class of tenants in their dealings with their landlords, because of their inability to contract on equal terms with the owners of property; but I, on the contrary, object that the Government have not extended that protection farther, and that they assume a power of free contract which does not and cannot exist. The reason of this inability is to be found in the actual condition of the country—the Ireland of this moment, not the Ireland which the future may create. The condition of Ireland is altogether different from that of England and Scotland. Certainly nothing can be more entirely dissimilar than the condition of things in Ireland and the condition of things in England. The real case, as respects Ireland, may be told almost in a single sentence. Ireland is a country of a single staple industry; its manufactures are comparatively few, and confined to certain localities; its mineral resources are either ignored by geologists, or but very partially developed; as a consequence, its commerce is limited in amount and narrowed to small dimensions; and thus the mass of the population are flung upon the land as their grand and only means of support. Land is to the Irish people, or the great bulk of them, essential to their very existence. They must have land, or descend into the ranks of beggary—unless, indeed, they sought, under desperate circumstances, a new home across the Atlantic. A passage from the Report of Mr. W. S. Hamilton, Poor Law Inspector, just presented to Parliament, affords a vivid notion of the desperate necessity of the Irish peasant for land, and also proves the impossibility of his contracting on equal terms with the owner of property. Mr. Hamilton says—

> "I have often heard it asked why a man will take land on such a precarious term as to tenure as that from year to year. The simple answer to that is—that he has no alternative. I believe he only does what others do when the demand exceeds the supply. It is his struggle to live; and if in the pressure of the crowd he cannot get sitting-room he must be content to stand, and take the extra risk of being crushed and trampled upon."

The owners of land were few, the cultivators many, and to these many the cultivation of the land was the only means of existence. The landlords or owners were thus completely masters of the situation; and it seems to me an extravagant proposition to lay down, that Irish tenants could, under existing circumstances, make contracts with their landlords on equal terms, that is, of equal independence. There is a subject of interest in the consideration of this Irish question important to consider—absenteeism. The right hon. Gentleman the Member for the University of Dublin directed his indignant eloquence against this enormous evil. In common with every Irishman, I sympathize with the right hon. Gentleman in his indignation against absenteeism, and I trust the day may be near at hand when Parliament may have the courage to deal with it in a vigorous spirit. Absenteeism represents a drain of £3,000,000 or £4,000,000 annually from a poor people and an impoverished country. Last night the hon. Member for Mid-Surrey (Mr. Brodrick) mentioned a fact, which he blamed the right hon. Gentleman at the head of the Government and the Secretary for Ireland for not having imparted to the House—namely, that within the last twenty years the Irish landlords, had borrowed from the Government, for the improvement of their properties, a sum equal to £2,000,000—the hon. Gentleman was about to say nearly £3,000,000, but he seemed to feel a kind of awe at the contemplation of so prodigious an amount. I may remark, in passing, that the hon. Gentleman himself forgot to mention that, as a general rule, admitting of few exceptions, the Irish tenants have paid the interest on the money so borrowed. But here is £3,000,000 annually drained from Ireland without any return whatever to compensate for its loss. If the evil of absenteeism equally affected Scotland, and especially England, we should find Cabinets pledged to its vigorous suppression; at all events, to its exemplary punishment. And, Sir, I sincerely trust that the right hon. Gentleman (Dr. Ball), who is an influential Member of the Conservative party, and who is much respected in his own country, will either introduce a clause into the present Bill, if it be consistent with its scope and object to do so, to deal with this subject; or, if that be not possible, that he will bring in a measure in the ensuing Session, and thus raise the question in the most formal manner. If he succeed in his object he will have the universal approval of, in that instance, a united people. Returning to the position of the Irish tenantry, it may be said, with truth, that the immense majority of them, as the late Returns conclusively prove, hold from year to year, or at will—in other words, are dependent for their means of existence on the will, the power, the caprice of their landlords. This is not the position in which any such large class should be retained; and in Ireland this kind of tenure is not only injurious to the individual, but also prejudicial to the best interests of the country. There are, however, two classes of landlords in Ireland—the old territorial aristocracy, and the new race of proprietors. If the former race sometimes oppressed their tenantry, they were impelled, to a certain extent, to acts of cruelty by the circumstances in which they were placed, harassed by debts, dunned by creditors, and hunted by bailiffs. Many of them were kind and indulgent, others were harsh and oppressive; but, as I have said, their position was one of difficulty and embarrassment. A great distinction must be drawn between the large owners of property in Ireland, and the new men who have come into possession within the last twenty years under the provisions of the Encumbered Estates Act. And, Sir, I must confess my inability to understand why the right hon. Gentleman and those hon. Gentlemen behind him, who do represent the ancient aristocracy of the country, should blame the Government for endeavouring to throw a shield over the tenantry of Ireland, in order to protect them from the new race of proprietors. The right hon. Gentleman asserts that Parliament is about to break faith with those who purchased property in the Courts of Encumbered Estates. I think, on the contrary, that Parliament has grossly neglected its duty in not coming sooner to the rescue of the Irish tenantry, and in omitting to insert in Bills affecting the sale and transfer of property, conditions which would have had the effect of protecting the industry or capital of tenants on estates to be brought into the market. This was a great and grievous oversight—possibly it was not intentional; were it so, it would have been cruel and wicked, as the people were left completely at the mercy of the purchasers, whoever and whatever they might chance to be; and surely it is only right that Parliament should at length endeavour to atone for the wrong it inflicted on the country, and take care that no future purchaser of property should assume possession of that property without being bound to discharge the obligations and duties of his position. We have the most important as well as the most recent information on this very point—as to the manner in which very many of the new proprietors have dealt with the tenants whom they literally purchased with their estates. A few days since there was placed in the hands of hon. Members a blue book containing the Reports of eleven Poor Law Inspectors, gentlemen of great intelligence and accurate information, who wrote on this question of landlord and tenant with all the deliberation and gravity of men oppressed by a sense of official responsibility. I earnestly commend that volume to the attention of English and Scotch Members, those of them at least who really desire to learn the real position of the Irish tenant, and the absolute necessity which exists for exceptional legislation for that country. To my mind it is a testimony of the very highest value in the consideration of this question. I can only select a few passages from these Reports, and I shall take care that they bear directly on the issue now before us. Dr. Brodie says—

> "Upon no other point is the testimony of all classes more unanimous as that the greatest hardships, both as regard evictions and exorbitant increase of rents, have been inflicted by purchasers in these courts."

Dr. Brodie tells of a leasehold estate under the See of Tuam, sold in 1856 or 1857, the new proprietor of which at once raised the rents two and a-half times the amount previously paid.

> "This," says Dr. Brodie, "was a special and indisputable case of the productive value of the soil being the creation of the tenants or their fathers."

Mr. R. Hamilton tells us of a property lately purchased on which the rents have been doubled and trebled. One tenant paying £16 16*s*., on a valuation of £17—a fact of itself showing the considerateness of the former owner—was compelled to pay £49, or three times his previous rent. Mr. Robinson mentions a property, on which the tenants built the houses and made improvements, and on which the new proprietor adopted the not unusual course of first serving notices to quit, and then demanding double the former rent, the new rent being more than double the Government valuation. The sense of insecurity which such changes of property impress on the minds of the tenantry is borne testimony to by all the Inspectors.

> "Ask a peasant," writes Dr. Roughan, "why he, who lives under a good landlord, is not to dwell under the same roof with his cattle. The invariable answer is—'How do I know how long my landlord will be left to me?—perhaps in a year or two the estate may be sold to one who will surely raise my rent, or maybe put me out altogether.'"

This gentleman adds that the poor man's apprehension was not without foundation, when it was remembered that within the last seventeen or eighteen years five-sixths of the properties in the Unions which he describes had changed owners. It is calculated that £40,000, or about one-sixth of the property of Ireland, has changed hands within the time mentioned; but, as in the case mentioned, the proportion has been on a vastly more extensive scale, and the alarm of the tenantry in such districts is greatly intensified. It is clear that where property has changed hands, and is changing hands every day, unless some protection be provided by Parliament for the tenant class, the poor man's mind must be filled with a constant sense of insecurity, which can have no other effect than that of paralyzing his industry, and rendering him, not to say discontented, but disaffected. Referring to the tenants' improvements, Dr. Roughan remarks—

> "The new landlords, as a rule, but by no means a general one, cause a valuation to be made on getting into possession, and it concerns them but little to inquire wherefore or how the estate has been improved, provided they receive so much per cent on their capital. Since the establishment of the Encumbered Estates Court tenants innumerable have, by a disproportionate increase of rent, lost in a great degree the value of their improvements."

Mr. W. S. Hamilton states—

> "When property changes hands the rule is that the rents are increased without reference to how the value of the property may have been increased."

Mr. Knox says—

> "The feeling of insecurity principally arises where there is a change of owners."

Now that change may arise from several causes, including death and succession as well as sale. A good landlord may be succeeded by a bad landlord, a good man by a bad man. A just and kind landlord not unfrequently has for his heir a scamp or a spendthrift, who wastes his patrimony, or is compelled to hand over to money-lenders the entire or greater portion of his property, and thus surrenders his tenants to the tender mercies of an unscrupulous class. Again, there may be a change of agency, a contingency dreaded by unsecured tenants where they happen to possess a good agent; for by the substitution of a harsh or capricious agent for a mild and a just agent, an amount of misery may be inflicted on the tenantry of an estate which it would be impossible to describe. There are, no doubt, many good agents who glory in the prosperity and happiness of the tenants under them; but I know also of agents who imagine themselves to be small gods on earth—men fantastical and despotic, who will carry out every theory of their's at all hazards, and who expect from those unhappily committed to their charge an amount of flattery, servility, and subserviency, which contributes to make slaves of the tenants and fools of themselves. Now, Sir, I desire to be clearly understood in reference to the new owners of property in my country. I must not be understood as censuring them all, or even the greater number of them. I personally know many gentlemen in my own city who, having acquired an independence in trade, bought considerable properties, and whose relations with their tenants it is impossible that any Bill which will ever pass this House can improve. A late friend of mine, an honoured citizen of Cork, told me, during the course of last summer, how he had purchased some 1,800 acres of land in the court, and having always held the opinion that the people had a right to live in happiness on the land on which they were born, he had a fair valuation made, principally by the tenants themselves, they readily consenting to it, and gave them their farms at an easy rent, with leases for sixty-one years, two or three of the leases being for a period of 100 years. "The result," he added, "is that I need never go near them." [*Laughter.*] Yes; but why? Because all these Irish tenants desired was to be afforded an opportunity of doing in safety all that was required for themselves—that is to say, to build houses and out-offices if necessary, or to improve and drain and fence their farms, at their own cost. The face of the country has been changed by the energy of these people, who have the security of a long lease; and these tenants of a new proprietor have placed themselves in such a position that Parliament can do little to serve them. I could give many instances of a somewhat similar kind, but I shall only give one more. A friend of mine in my own city inherited a large fortune from a relative, and invested a considerable amount of it in the purchase of land. The property is situate in the western parts of the county Cork; and the new owner having consulted a friend of his as to the best mode of dealing with it, was advised to give the tenantry the security of long leases—which security they had been without to that moment. Acting upon that advice, he gave them leases for ninety-one years; and I am informed, on the best authority, that the face of that estate has been entirely changed — that the tenants rely on their own exertions, having the land at a fair rent—that they never trouble their landlord, to whom they are devotedly attached—that the moment they felt the sense of security they, to use their own language, "stripped to the work" in order to secure their own independence. But, Sir, we have the testimony of responsible officials, writing up to this very hour, that several of the new landlords in Ireland exercise their legal rights—or the rights which Parliament has too long permitted to exist without restriction of any kind —in a manner which no one with the common feelings of humanity could sanction. These men became proprietors on what is called the commercial principle—namely, to make so much out of it. They purchased land in the Encumbered Estates Court as they would so much merchandise, and dealt with the men, women, and children upon it in the same spirit as they would with a cargo of corn or a herd of horned cattle. This, Sir, is the class of purchasers whose proceedings it is the duty of Parliament to brand and discourage. But it may be urged by hon. Gentlemen opposite that certain landlords and agents rely upon official Returns as furnishing a conclusive proof of their benevolence, inasmuch as the number of ejectments is fewer than used to be the case in former times. There are fewer records of ejectments. But are there fewer notices to quit? Are there fewer removals effected by quiet means, without the necessity for legal process? And is there not something still worse than a notice to quit? I am not aware whether English gentlemen have ever heard of stamped agreements, which tenants must sign, to surrender the land on the following 1st of November, and giving the landlord power to distrain a month or two before that for rent not due at the time. Tenants have complained to the

Poor Law Inspectors of being kept in a constant state of misery and uncertainty by being served perpetually with notices to quit, while others have told how they are bound neck and feet by the stamped agreement. One peasant had both on him at the same time. He was asked what did the landlord want of both, the notice and the agreement; and his answer was, that it was the landlord's double-barrel gun, so that if he could not bring him down with one barrel, he could with the other. Another tenant said that neither he nor his nephew had the courage to till their ground or sow their seed, because of the dread of these notices to quit. The right hon. Gentleman at the head of the Government speaks of these notices falling like snow flakes on the tenantry, and we have an Inspector who tells of their being "showered" on a particular estate. Another Inspector tells of their having been served for the last thirteen years on another estate—on which, I may remark, an honest and improving tenant was deliberately robbed of his improvements and property, and thrown out by the owner without a farthing compensation. It is unnecessary that any further proof of the glaring fact that the mass of the Irish tenantry are not only utterly unprotected in their industry at this moment, but that they are not in a position to enter into contracts on terms in any way approaching equality with the owners of property. Then, in relation to a matter of the very highest importance, the Ulster custom called tenant-right. There is a general idea, and even demand, that this custom should be extended to all Ireland. Were the clause in the Bill legalizing this custom to be so extended, it would, in my judgment, inflict a grievous calamity on the country, for this reason—that there is no definition of this custom, what it gives or guarantees, and that the custom is different in many places—that while it is allowed in all its fulness in one district, it is cut down, and restricted, and almost denied in another—that, in fact, if I may say so, the very negation of the custom is the custom in some portions of Ulster. If it is to be extended to all Ireland, we must have it defined—that is, we should know what the right so extended is to be; and it should be such a definition as would render impossible its practical denial, either by an extortionate increase of rent, or diminishing it to a point at which it would not be worth accepting. In some cases the goodwill is sold by private negotiation; in others the landlord permits the outgoing tenant to sell in the open market; and in more the number of years at which the tenant may sell, or the purchaser may buy, is regulated by the rules of the estate—the amount being different on different estates. Is that a custom, so undefined, and so variable, and so arbitrary, to be extended to all parts of Ireland? I am in favour of the definition of the custom on liberal terms, and its extension to the rest of Ireland on such terms, and such terms alone. The right hon. Gentleman the Member for the University of Dublin asked what would be the fairness of the Bill to the owner who paid large sums to free his property from the custom, and he mentioned Lord Dufferin as having expended a considerable sum—he said £10,000—with that object. Now, I believe the noble Lord expended a much larger sum. But the answer is, few have done, or think of doing, what he has done; and Lord Dufferin is ready to come under this Bill. His readiness to accept it in all its consequences is the best reply that can be given to the objection. Much apprehension has been expressed in some quarters at the proposal to allow the farmer to provide the labourer with a cottage and half an acre of land. It is said that this would lead to the subdivision of farms—an alarm which I think unfounded in fact and reason. There is, politically speaking, no more dangerous class than the Irish labourers, because of their misery and discontent. They are by no means bad or vicious. On the contrary, very many of them are models of virtue. [*Laughter.*] I know this to be the case; and the late Father Mathew often expressed to me his belief that the most virtuous class in Ireland was the labouring class. They are self-denying, frugal, and industrious; but if a man be compelled to dwell in a hovel in which no English gentleman would suffer his dog to remain, and exist on scanty food, it is not in human nature that that man can be contented. Parliament must deal, and deal vigorously, with this important class. Every Poor Law Inspector describes their condition as most miserable. This condition may, in many instances, be attributed to the operation of the electoral division system; it being the interest of proprietors, in order to keep down the rate, to prevent the erection of cottages, or to get rid of them where possible. That law should be altered. I know instances where labourers walk two, and three, and even four, miles to factory and field in the morning when they go to work, and in the evening when their work is over. The House cannot attempt to deal with the agricultural class in Ireland without protecting the labourers. The difficulty is to keep them in the country, when they have so many inducements to leave it for a better fortune in America; but if you are to retain them, you must do something to render them contented. I think the Government are wrong in not proposing to abolish the law of distress. I believe that the majority of the Irish landlords are not in favour of the retention of that law. It is an instrument of tyranny in the hands of a bad landlord, and it operates unjustly as against general creditors. If the law of distress meets with much support in this House, it will be from Englishmen and Scotchmen who are not acquainted with the circumstances attending the possession of land in Ireland. As to leases, I think there ought to be a provision in the Bill to prevent the insertion of unreasonable conditions in leases. I know the case of a respectable tenant who took a lease in which the landlord put this condition—that the moment the tenant became insolvent he should surrender his lease. The tenant did become insolvent after he had spent £1,000 on the farm; he was obliged to surrender his lease, and within a week the landlord got increased rent for that farm in consequence of the improvement effected by the tenant. As to the county rate, I think it ought to be divided between the landlord and the tenant. No rent ought to be paid for roads. I have heard of cases in which tenants were charged for roads made for the benefit of the estate. I am not in favour of all the provisions in this Bill; but on that account I will not oppose its progress. There is in it much that is good; but there is also in it much that requires improvement. I am of opinion that it is unwise to offer any opposition to the second reading, and shall therefore vote for its second reading. The utmost efforts of Irish Members should be directed to assisting the Government and inducing the Government to improve its provisions; and, therefore, I desire to see it advanced to that stage in which it can be amended and improved. And, Sir, I would venture to express the belief if my hon. Friends, who are now about to vote against the second reading, had the power to stop the progress of the Bill, and really reject this measure, they would not assume so tremendous a responsibility. They know, and we all know, that they cannot by any possibility prevent its being read a second time; but were it possible to throw it out on the present Motion, I can only say for myself nothing on earth would induce me to assume that responsibility in the face of my country. I must, at least, admit that the intentions of the Government are benevolent, and that while many things in the Bill are capable of useful amendment, one of its provisions is without alloy of any kind—that which enables the tenant, with the assistance of the State, to purchase his farm. The great want of Ireland is a peasant proprietary. Every country prospers which possesses this class of proprietors. Her peasant proprietors have done more for Prussia than her Bismarck or her needle-gun. Ireland requires an independent class of yeomen; and the people of that country feel grateful to the generous-minded Minister to whom this provision is particularly attributed. I am sure, Sir, all in this House, without distinction of party, deeply regret the absence of that right hon. Gentleman at a moment fraught with such solemn consequences, not only to the interests of Ireland but to the peace of the Empire; and I only express the universal sentiment of this Assembly when I say that we all anxiously look forward to the day when we shall resume his place on that bench, and when we may again listen to that noble and thrilling eloquence which has never been enlisted in an ignoble or unworthy cause. An argument against these holdings was drawn from the fact that, 200 years after the Cromwellian settlement, only faint traces of it could be found. But the circumstances were wholly different. One race was planted in a hostile country amid confusion and carnage. The other would be planted in peace and goodwill; and he, who had seen the miracles accomplished in another part of the world by his own race, because they were strong in the security of their land, felt perfect confidence in the future of his country under a system which would no longer enable landlords to oppress their tenants in the name of the law. My countrymen may have asked for more than Parliament will consent to give; but if the provisions of the Bill are amended, and the protection of the tenant is made perfect, it will do much for the prosperity and happiness of Ireland. We must not, however, expect to reap in a moment all the advantages of good legislation. Before it accomplishes that object, good legislation must have time to work in the feelings, the comforts, the happiness of the people. I conjure large-hearted Scotchmen and Englishmen, in the name of my country, and by their own solemn responsibility, to assist the Government in making a Bill which would be really acceptable, because beneficial, to the people of Ireland.

MR. HUNT: Sir, I readily respond to the appeal which has been made by the hon. Gentleman who has just sat down, and I can say for myself and for those with whom I am in the habit of acting, that we are prepared to do our utmost to assist the Government in improving the Bill and in rendering it such as will be worthy of Parliament and satisfactory to the people of Ireland. I never remember a Bill of more importance than that which has been submitted to this House. I say that deliberately. If a good land code is of importance to the Kingdom in general, it is doubly important to Ireland, where the absence through the greater part of the country of manufacturing industry compels the people to look to the land for the means of their subsistence. The Bill has been presented to our notice under some circumstances of disadvantage, but there are also certain circumstances of advantage, and those to my mind greatly preponderate. It is presented under some circumstances of disadvantage, because we know that the expectations of the classes whose interests are dealt with by this Bill have been unduly raised by persons whose interest it is to foment agitation by encouraging extravagant demands, and by some unfortunate expressions used by persons in authority—used, perhaps, in one sense by the speaker, but interpreted in a different sense by those who heard or read them—expressions used at the time, perhaps, without any definite meaning, but eagerly caught up by those who placed their own construction upon these expressions, and resulting in the spread of wild ideas and extravagant demands as to the tenure of land in Ireland. But, on the other hand, there is a great advantage in the fact that the political aspect of affairs allows us to deal with this question in a spirit of calmness and with an absence of party feeling, in a spirit very different from the spirit in which we sometimes deal with them in this House. I say this not only from conversations with my Friends in this House, but from my communications with parties out-of-doors. I never remember a measure introduced by opponents which the other party could afford to discuss with more calmness, with less of rancour and party spirit. It is in this spirit that I desire to deal with the Bill, and to do my uttermost to endeavour to assist the Government in putting this measure into the best and most acceptable shape in which it can be put. The measure may be looked at from two points of view—first, how it will affect the existing relations between the landlords and tenants of Ireland; and the other is, how far it supplies a good land policy in Ireland for the future. It is important to make this distinction, for in considering the Bill as it affects the relations of existing landlords and tenants, it will be well to look at past history. It is right that we should recognize existing facts, and that we should endeavour properly to adjust those relations where we we find them one-sided, and bearing more hardly on the one class than the other. On the other hand, if we set ourselves to promote a good land policy for the future it will be necessary to draw a broad line between the past and the future, and endeavour to put the relations of landlord and tenant in Ireland on a better footing than they have been. If the House will allow me I will consider the question from these two points of view, and first I will consider the existing relations between the two classes. The first point in this view of the case which the right hon. Gentleman introduced to our notice was the provision to make legal what is called in the Bill the Ulster tenant-right. With regard to that part of the Bill, if I understood the right hon. Gentleman rightly, there will be no alteration of existing practice. I say if I understood him rightly, for certainly if the proposition of the hon. Gentleman who has just spoken is to be carried out, and the custom of Ulster is to be defined in the Bill, then a great injustice will be done, because it will introduce great alterations and force landlords whose estates are not subject to the extreme rights of that custom to submit to the same law with those that are. But as I understood the right hon. Gentleman, I think he makes a fair and proper provision. Perhaps—but this is matter for the Committee—it would be better to describe the system or the usages of Ulster rather than the custom, but with that alteration I have little complaint to make in that part of the Bill. These remarks on the Ulster tenant-right apply also to the customs analogous to that right, which from evidence given to us on high authority appear, though rarely, to exist in some other parts of Ireland. There is a matter I may mention now which might materially affect the question when it comes to be discussed in the courts of law, although it hardly affects the Bill in its present stage—that it should require to be proved that the custom has existed for a certain term of years. These customs are not fixed—they are varied from time to time; and it would be exceedingly hard if, from the negligence of an agent, or some carelesnesss or ignorance on the part of an absentee landlord, an estate was fixed with a custom to which it was not properly subject. I pass now to the question of tenants' improvements, and on this subject I do not think there can be any doubt as to the principle by which we should be guided. I have never heard, during the time that I have had a seat in this House, any person contend that the tenants were not entitled to compensation for the *bonâ fide* improvements they might make. The mode in which this principle should be applied has certainly given rise to considerable difference of opinion; but I confess that the definition contained in the Bill is an equitable and proper one—that a tenant should receive compensation for improvements which were suitable to the estate, and added to its letting value. As far as that definition went I had no fault to find with it. Then there is an important question as to the presumption of law with regard to the matter of the improvements, and wishing, as I do, to recognize facts, I cannot agree with the provision in the Bill which establishes the principle that improvements should be presumed to have been made by the tenant unless the landlord could prove that the contrary was the case. Having sat some years ago upon the Tenant Right Committee, which was presided over by the hon. Gentleman who has just sat down, and having examined carefully the blue-books which have been issued with regard to this subject, I do not find as a matter of history that these improvements were for the most part the work solely of the tenant. I believe, in the majority of cases, that though the manual labour was supplied by the tenants, the materials required for the improvements were furnished by the landlord. That is, however, a point which we shall have plenty of time to consider in Committee. Then, of course, there arises the minor question as to whether there should be a limit in point of time, after which the tenant should not be entitled to claim compensation for improvements; but that is also a matter which might be disposed of in Committee. I now come to another proposition in the Bill, with respect to which a greater difference of opinion will probably prevail, and that is, the question of giving to the tenant damages on account of his being evicted from his farm, or what is termed disturbance, by the landlord. The history of legislation upon this subject my right hon. Friend the Chief Secretary for Ireland (Mr. C. Fortescue) had not exhausted the other evening, because he omitted to mention the Bill brought in by my noble Friend the Earl of Mayo. That measure was an important one, and to it, I believe, several of the provisions of this measure owe their origin. But in the history of legislation upon this subject I believe no measure has been presented to Parliament giving damages for eviction. My right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) has said that he did not see any objection to the principle of this provision, and I should be inclined to accept that view if I believed that my right hon. and learned Friend had rightly interpreted the objects which the framers of the Bill contemplated. I have no intention of disputing the legal meaning which my right hon. and learned Friend has assigned to the provision; but my right hon. and learned Friend seems to think that damages for eviction have reference to the tenant suffering some loss by reason of not having carried through the rotation of crops which he had designed in the first instance; as, for instance, a tenant, who, having manured for a second crop while his first was growing, would, of course, lose the advantage of his labour if he were ejected before he had reaped his second crop. A claim of this kind is, I believe, well known and recognized in this country, where the outgoing tenant, in most parts of the country, would be entitled to compensation. But, as far as I understand the speech of my right hon. and learned Friend, a claim of that nature will be met under the provision relating to the compensation of tenants for improvements, and to that statement I observe that the right hon. Gentleman at the head of the Government made no gesture of dissent. The right hon. Gentleman referred to what he termed a provision relating to goodwill, and said that wherever a lease came to an end goodwill would naturally arise. I understood that it had no reference to any claim for improvements, but simply compensation for the tenant being disturbed in his holding by the landlord when he was not in arrear for rent, and had not subdivided his land. I do not know if the right hon. Gentleman assents to that.

Mr. GLADSTONE: I did unquestionably use the word goodwill several times. The most correct phrase is damage for eviction, or some equivalent phrase.

Mr. HUNT: As I understand now, damages for eviction have no reference to any improvements on the land which the tenant has made. On that supposition I cannot conceive that this is a just and equitable provision. I am not now going to question the degree, but the principle altogether. The former is a matter to be considered in Committee. But the giving a certain portion of value in fee to the occupant simply because he is the occupant who may have come on to the land only a year before, and may have made no improvements, or if he has will get compensation for them, I consider a subtraction from the property of the landlord. There can be no doubt that will fetter the landlord in the enjoyment of his property, because no man can be the master of his own land if he cannot remove a tenant except by paying a certain portion of the value of the land. The right hon. Gentleman the other day quoted the opinion of Judge Longfield, and stated it to be the opinion of a great authority. I will quote the opinions of another authority of equal if not greater eminence, and that is the authority of the right hon. Gentleman the Chancellor of the Exchequer. I do not refer to these opinions for the purpose of showing that the right hon. Gentleman has been guilty of any inconsistencies, because I believe if our sayings and opinions were compared at different times inconsistencies could be proved against almost everybody. I refer to the opinions merely because I regard the opinions of the right hon. Gentleman as of high authority, and because I believe the right hon. Gentleman has well weighed the subject. The person under examination before the Committee was Judge Longfield, and several questions were put to him by the Chancellor of the Exchequer. I will, with the permission of the House, read a few of the questions and answers—

> "I suppose, as a lawyer, I need not ask you whether, in your opinion, the freedom of contract is of great advantage to a civilized society?—Certainly. One great inducement to industry is, that a man is allowed to dispose as he pleases of the property he has realized? — Undoubtedly, that is the stock argument in favour of the existence of property. Do you think it a good argument, as an argument?—A very good one. Landlord and tenant are the creatures of contract, are they not; and they are really two persons who have entered into a certain contract with each other?—Yes. It is open to them, when they enter into any contract, to make such terms as they please with regard to compensation or any other matter?—No, not open to them, because when land is settled the landlord has no power to make such a contract. At any rate, supposing that the landlord is empowered to make such a contract, then, of course, it would be open to the two parties to agree?—Yes."

He was then contesting the principle that the quarter sessions should have the power to bind the landlord against his will, and the right hon. Gentleman proceeds—

> "What you propose, as I understand, by repeating Section 40, would be that the tenant should, through the medium of the Quarter Sessions, have the means of forcing the landlord to do this, whether he had entered into an agreement or not?—Yes. That is to say, you would introduce a compulsory term into a voluntary contract?—Yes. Do you consider it to be a sound principle of legislation that where two persons have voluntarily entered into a contract by which they are willing to be bound the Legislature should insist upon introducing by force into the contract a pro-

vision for which neither party stipulated?—I do not, as a general principle. I think that the person who introduces such a principle must make a case for it and *primâ facie* the argument is in favour of the landlords. But then if I show that the whole country is lying desolate for the want of this contract, then I would compel the parties to do it. I suppose that if such a power as the power over the landlord's property is taken from him and transferred to the quarter sessions that is *pro tanto* an expropriation?—It is *pro tanto*, but it is for a very small quantity; for I do it on the idea that the pecuniary value of the property is not diminished at all."

Then at Question 244 the right hon. Gentleman asks—

> "Is there not in Ireland a great deal of feeling with regard to the right of people to occupy land so long as they pay their rent?—Yes; fixity of tenure is one of the demands. A feeling, I suppose, which would go a little further in the direction of expropriation if it had effect?—A great deal further. Do you not think you are countenancing this feeling by sanctioning any scheme of expropriation, however small you may consider it?—No; I think that I am quenching it; I think that such absurd demands can only stand by being joined with other reasonable demands, which enables a man to make a speech in their favour, and that the best way of crushing the agitator is to give him no grievance. You think that when by a certain amount of clamour and agitation people have obtained from the Legislature the expropriation of a great part of the property of the landlord in favour of the tenant it would not encourage them to go further and ask for more?"

[*Cries of* "Read the answer."] I will read the answer if hon. Gentlemen desire it—

> "No; I do not think that this claim for compensation has been the result of agitation at all, and that the clamorous men who call for fixity of tenure care comparatively little about this; I think they would rather keep the grievance that they complain of."

But I think the House will see that these questions represent the views of the right hon. Gentleman, and I confess that they represent the views which I hold at present; and I should be very glad if so logical a mind as that of the Chancellor of the Exchequer would apply itself to this Bill from the point of view from which these questions were put to Judge Longfield. With regard to the question between the landlord and tenant, I consider that in forcing from the landlord this fine on eviction, you are *pro tanto* confining the rights of the landlord with regard to his property. But it is said by those who support the provisions of the Bill—"The landlord need not pay; he may give a lease as a substitute." That is to say that a contract is to be extorted from him, the terms of which he is not allowed to define, and which will be submitted to a court of law, and he will have to consent to a substitute for that fine on eviction under the direction of a court of law, with the terms of which he will not be allowed to interfere. Then I come to another point mentioned by the hon. Gentleman who has just sat down, and which is very much a question of detail, but which is still very important. There is a provision in the Bill that tenants who subdivide the land shall not be entitled to certain advantages which they could otherwise claim. But an exception is made for the building of cottages with half an acre of land for agricultural labourers. That provision I consider a perfectly right one; but if it is to apply at all in the case of small holdings, you will have subdivision under another name, and you will eventually, by allowing the tenant of a small holding to build cottages for different members of his family as agricultural labourers, unless that is guarded against by restrictive clauses—you will eventually be liable to all the evils of which we have had experience, and to that state of things which preceded the potato famine in Ireland. In a Bill introduced into Parliament by the Marquess of Clanricarde, this question of building cottages for agricultural labourers was guarded against by restricting the building of one cottage to fifty acres of land. Whether that is a right provision or not I am not able to say; but I think that in justice to the landlord some restriction to prevent that subdivision of land is necessary. Now I come to the question of those estates sold under the Encumbered Estates Act, and I think the right hon. Gentleman the Chief Secretary for Ireland hardly gave due weight to the difficulty which arises under that consideration. He said he did not think it proper to argue the question much in his own words; but he made a long quotation from Judge Longfield, which he considered settled the question. I do not know on what occasion those words were used by Judge Longfield. [Mr. CHICHESTER FORTESCUE: They have just been published in a volume of papers issued by the Cobden Club.] But have they been published in reference to this Bill? [Mr. CHICHESTER FORTESCUE: No.] I have not had an opportunity of reading that volume, and I did not know where those words were taken from. If Judge Longfield had used them in reference to the provisions of this Bill he might have been quoted as an authority; but, at the same time, I would not consent to be overborne by that authority if it did not convince my reason. But in this case the opinion of Judge Longfield is not in point, because the claims which the tenant may make upon the owner of an estate, under the Encumbered Estates Act are within the exception which the right hon. Gentleman quoted from Judge Longfield, who, after saying that the Encumbered Estates Act did not prevent the Legislature from imposing on the tenant, goes on to say this, as quoted by the right hon. Gentleman, for I have not referred to the original—

> "The purchaser has a right to insist that no rights shall be set up which were in existence at the time of his purchase but were omitted from the deed of conveyance."

Now, I say that this Bill by its retrospective clauses does set up rights against the owner of the encumbered estate which were in existence, or which may have been in existence, at the time it was purchased, because the Bill provides that for certain improvements the tenant shall have a right, with no bar in point of time. The Bill treats those as equitable rights in the tenant, and now for the first time they are to be so treated by law; and those rights, where the tenant has executed the improvements prior to the conveyance under the Encumbered Estates Act, must, in the words of Judge Longfield, be considered to be rights in existence prior to the purchase. I have no doubt the Attorney General, or some other Gentleman learned in the law, will address himself to this point if he should speak upon the measure before the House. The next point to which I come s the advance of public money for the purchase of land. No doubt, as regards he tenant, such a provision would be n his favour, and I cannot consider that t would be against the interests of the andlord, with one condition, because he s likely to raise the price of his property in the market; and as the tenants f Irish land are constantly desirous of buying, but have no means of doing so, nd as the landlord is willing to sell, I hink that provision would operate to he advantage of both, always supposing that the landlord is not induced to consent to sell by such a state of things as has existed lately in Ireland, and which I hope will soon cease to exist there. Granting that you have security for life and property in Ireland, and granting that the landlord is really a free agent in the matter of consent, then he would have no reason, as I think, to object to that provision for finding public money for the purpose of enabling the tenant to buy the estate from him. I come now to look upon the Bill from a different point of view—namely, apart from all considerations of the interests of existing landlords and tenants—does the Bill lay down a good land policy for the future? Here I am afraid I must be more condemnatory of the Bill than I have hitherto been. This Bill perpetuates all tenant-right so far as it can be ascertained, and creates a new tenant-right where it does not exist at present; and therefore the policy of its promoters must be held to be this—that the system of tenant-right as used in Ulster, and so far as its principle is proposed to be made general, forms a good policy. Now that is a point upon which I am at direct issue with the Government. I believe the system of tenant-right, as has been well argued by the right hon. and learned Member for the University of Dublin (Dr. Ball), is a bad system, and I should like to call Lord Dufferin as a witness upon that point. The noble Lord gave evidence on the subject of tenant-right before the Committee which I have already referred to. These are the questions which I then put to him, and his answers, beginning with Question 1345—

> "I understand you to say that on your Lordship's estate, when opportunity has offered, you have spent large sums of money in purchasing up the tenant-right of the farms?—Yes. And by that, I presume, you think that the tenant-right is prejudicial both to your own interest and that of your tenants?—I merely mentioned the fact of my having purchased it in order to prove how prejudicial I consider it. I myself made a large pecuniary sacrifice in order to save the incoming tenant from having an intolerable burden tied round his neck, which, in nine cases out of ten, must inevitably prove his ruin. When a man takes a farm it is desirable, is it not, that he should have all the money that he can command in order to spend in cultivating the farm?—Yes. And if he has to pay a large sum of money as compensation, or whatever name you call it, to the outgoing tenant, his means of cultivating the farm is, *pro tanto*, diminished?—Yes. In fact, it operates very much like a fine on the renewal

of a lease?—Yes, exactly. And it has been the policy of the Legislature to get rid of the system of fines on renewing leases?—Yes."

That is the opinion of one for whom the Government are bound to have some regard, as he is a member of their own body, and if his testimony is not sufficient, I will quote another eminent agricultural authority — Mr. H. S. Thompson, formerly a much respected Member of this House, and late President of the Royal Agricultural Society. Mr. Thompson says—

> "The fourth cardinal virtue attributed to the tenant-right is its tendency to secure peace and tranquillity to the district. Diplomatists have for some years past had much to say in condemnation of a state of armed peace, which is described as costly, and as raising in the countries immediately concerned uneasy anticipations of future trouble, which are eminently unfavourable to the production of wealth or to the cultivation of the useful arts. The present state of Ulster resembles very closely an armed peace. It is costly to the landlord; it is costly to the tenant; and it maintains an antagonism of interests between the two which generates uneasiness and suspicion. That it is costly to the landlord, by preventing his receiving more than from 50 to 60 per cent of the real value of his land, is so plain to the eye of every farmer that the one consideration only will be afforded in support of the assertion. It is, however, a conclusive one—namely, that any tenant-farmer who has the opportunity of subletting a portion of his farm never thinks of adding a few shillings only to the rent per acre he pays, but doubles or trebles it, without being troubled with any misgivings that he is overweighting his tenant. Tenant-right is also costly to the tenant. That it cripples his means at a time when he has most need of all his available resources is undoubted; and as this is one of the worst features of tenant-right, it is worth probing thoroughly. Tenant-right or goodwill is, of course, only paid when a tenant leaves his farm. Why does he leave it? In almost all cases he cannot pay his way. The writer was unable in all the four Provinces to obtain half-a-dozen well authenticated instances of solvent tenants having given up their farms."

I shall not attempt to elaborate the views that are here expressed. I need only say that I entirely coincide with the opinions which have been thus expressed by Lord Dufferin and Mr. Thompson, and I should like to hear what the supporters of the Bill have to say upon them. I am not now dealing with the case of a person who had a valid claim which should be admitted. I merely say I doubt very much whether it would be a sound statesmanlike policy to perpetuate and continue throughout all time a system like this, which the highest authorities have concurred in condemning as a bad custom, and one that is hurtful both to the landlord and tenant. Well, but the creation of a system analogous to the tenant-right of Ulster is attempted by this Bill. It provides that in regard to eviction the landlord shall pay a certain fine to his tenant for disturbing him in his tenancy. That is simply the principle of the Ulster tenant-right system. But in a certain case of eviction, when this fine is to be levied, it is doubtful who is to pay the fine — whether the landlord or the tenant. Where the proprietor has great resources at his command he would no doubt pay the money and would consolidate the farms. Now, I do not believe that in such a case the views of the right hon. Gentleman at the head of the Government would be precisely answered. In the majority of cases, where the landlord had but limited resources to live upon, the incoming tenant would have to pay the fine demanded. There, I say, you would have created by law a custom similar to that which has been so fully condemned by the authorities I have named. I think that with a little more care the Bill might have been so framed as to remedy that state of things to a great degree. If you take that view as sound policy in regard to land, I do not think that you should hang a millstone round the neck of the tenant on coming into a farm, but you ought to provide that out of the public money referred to in the Bill the landlord might be able to pay out the right of the tenant, and to charge the same as an annuity on the land. I believe that upon general grounds of public policy it is quite right to encourage the outlay of capital on the land by the tenant, in order to establish for himself good security to meet his claims for compensation for *bonâ fide* improvements. Now I have no objection to make to the Bill in this respect. I now come to the question raised by the right hon. Gentleman at the head of the Government, and which has just been alluded to by the hon. Member for Cork (Mr. Maguire) who seemed to endorse the right hon. Gentleman's opinions. The right hon. Gentlemen said in his opening speech that the principle of freedom of contract lies at the root of every healthy condition of society; but then he went on to say that there were peculiar circumstances in the relation between landlord and the small tenant in Ireland, and in the general circumstances of that country, which took it out of that principle. And what were those exceptional circumstances? Why, the right hon. Gentleman said that they consisted in the supply of land in Ireland not being equal to the demand, and in the small tenant, who was consequently at the mercy of the landlord, not being a free agent. "They cling to land for dear life," said the right hon. Gentleman, "and, therefore, unless you oust this freedom of contract between the landlord and the small tenant, it is utterly impossible for the tenant to deal with the landlord upon an equal footing." Now, such a statement simply amounted to this, that there is a greater demand for land in Ireland than a supply. But is not that the case with regard to many things besides land? We know that the rich have many things which the poor want. If, then, you carry that argument to a logical conclusion, it will not only affect the question of the means of life, but also that of all the necessaries of life. I defy you then to say this in regard to the means of life, and to abstain from applying the observation to the actual necessaries of life. Whilst I am on this point I think it will be apposite to quote the opinions of the Chancellor of the Exchequer—who I am sorry to observe is not in his place—on this subject. And here let me observe, from the right hon. Gentleman's absence on the former evening, and to night during the discussion, that right hon. Gentleman does not seem to watch over the progress of this Bill with a very great amount of interest. But the Chancellor of the Exchequer made a speech on the 17th May, 1866, in reference to this matter. That was the year after he had sat with me on the Tenant Right Committee. The right hon. Gentleman then said—

> "The fact is that the demand for land in Ireland is so infinitely greater than the supply, and one man is so pressing upon another, that the tenant does not propose anything which would imperil his holding. That is a thing which legislation cannot remedy—it depends upon the laws of demand and supply—the evil must be dealt with by other means, and it is being dealt with by emigration, which is gradually reducing the population, and will continue to reduce it, until landlord and tenant will be able to negotiate with each other on terms of perfect equality, or, as in America, where the landlord is at the mercy of the tenant."—[3 *Hansard*, clxxxiii. 1083.]

Now I am sure the Chancellor of the Exchequer can practice what he preaches so well, inasmuch as he is in himself a bold and successful example of emigration. But then the right hon. Gentleman at the head of the Government went on to say that there were two different classes of emigrants — namely, those who were free, and those to whom it was banishment. Now, I suppose that no person leaves the country of his birth except under the pressure of circumstances, and this necessity operates more or less as a kind of banishment. A man who leaves his own country for another does so in the hope and expectation of those advantages he will derive in another country which he cannot have at home. The pressure of necessity, however, is heavier on one person than on another. But you must look on all emigration as more or less involuntary. I think, however, it is most unwise and impolitic of the right hon. Gentleman to describe it as banishment—a most unfortunate expression coming from the head of the Government at the present crisis. According to the right hon. Gentleman's opinion those persons who cannot find room to exercise their calling or to obtain a livelihood at home are to be considered as banished if they go to seek their fortunes in another country. Then, as to the expediency of granting loans of public money to enable tenants to buy portions of the landlord's estate, I do not object to such a proposal, which emanated originally from the right hon. Gentleman the President of the Board of Trade, whose absence and cause of absence we all deeply deplore. It was eloquently stated by the hon. Member for Cork (Mr. Maguire) that one of the great evils of Ireland was the fact that there was no class between the peasant class and the large proprietary class in the greater part of the sister country. It is to be hoped that this provision in the Bill will supply that deficiency in the social state of Ireland. As to the amount of loan proposed by the Bill—only £1,000,000—that is insignificant. But we must recollect that it is only a tentative measure, which if successful will no doubt be succeeded by other Money Bills. I wish, however, to ask whether it is wise to apply this provision to very small holdings. The right hon. Gentleman himself says that the subdivision of land in Ireland is a great evil. If you cannot enable those men who become purchasers to maintain their position, then I say it is not a wise provision to apply to small holdings. This evil might be rectified by lessening the proportion of the money to be given for the purchase of small holdings, and increasing it in the case of larger holdings. What would be the result of the occupiers of small holdings availing themselves of this provision of borrowing this money, and then being unable to maintain their position? The land would be run out and impoverished, and the security of the State would be greatly weakened. The debtors to the State would be coming to the Treasury to represent the hardship of their case, and the history of this part of the Bill would be like that of the many loans made to Ireland, ending first in commutation and lastly in the condonation of the debt. The right hon. Gentleman the President of the Board of Trade, in suggesting this scheme, used the expression that the people of Ireland ought to have free land. After the use of such an expression by so high an authority, and by one whose name appeared on the back of this Bill, would not the people of Ireland be morally justified in saying that this money, though nominally a loan, was really a gift, inasmuch as one of the principal authors of the measure declared that they ought to have free land? Then what would be the position of the State on becoming a universal mortgagee? I am supposing the million of money to be exhausted, and the operations so extensive, what is to be the position of the State in having to evict a number of these small tenants for the non-payment of rent or the subdivision of the land? I do not say it applies to larger holdings, for security is given in those cases by the Bill, and, so far as the principle goes, I am not prepared to object to it; but what I refer to is the small holdings which become forfeited to the Board, to be held by them for public purposes. For what public purpose, I ask, can the Board hold a five-acre plot in the wilds of Connemara? And it appears to me that the provisions of the Bill in that respect are perfectly nugatory. My right hon. Friend the Member for the University of Oxford (Mr. G. Hardy) alluded, when the Bill was introduced, to the enormous amount of litigation that was likely to crop up under its provisions. And a person who is well acquainted with Ireland, and is well disposed towards the small Irish tenants, describes the land under the provisions of this Bill as very much like a cow with the landlords holding her horns, the tenants her tail, whilst the lawyers are filling their pails with her milk. That is a homely way of putting it; but I think the complicated character of the provisions of the Bill justify that kind of observation. One of the great Judges of this country described the provisions of a measure that was introduced into this House as so valuable that every line of it was worth a subsidy; but I very much fear that by this time every line has cost a subsidy, and I fear the anticipations of my right hon. Friend will be realized that the expenses will be enormous unless the provisions of the Bill are greatly simplified. If it should unfortunately happen that a large crop of lawsuits should spring up, I fear it will not be to the advantage of the small tenant, with no command of money, but to the landlord, who will be able to fight him with a long purse. It is a matter deserving the serious consideration of the Government; and before we go into Committee every means should be adopted to simplify its provisions and prevent such injurious consequences arising to the tenants. I assure the House and the Government that I have criticized this Bill with the sincere desire of improving, and not for the purpose of defeating it; and if we go into Committee, as I hope we shall, I will give every assistance I can, consistently with the opinions I have expressed, to make it such a measure as we can satisfactorily pass. The right hon. Gentleman, when he introduced the Bill, invited the co-operation of the House to perfect the measure, and I accept it, as I do anything that falls from him, as a sincere desire on his part that he will be happy to consider objections which come from this side of the House with regard to the different provisions of the Bill, in order that it may be made as perfect a measure as possible. I beg to thank the House for the kindness with which it has heard me.

THE ATTORNEY GENERAL: The Government have no reason to complain of the manner in which this Bill has been received by the House. The right hon. Gentleman (Mr. Hunt) has said that this is a Bill of the utmost importance, and added—as I think he was justified in doing—that it had been discussed with an absence of party spirit, a fairness, and candour such as are not always brought to bear in debates of so important a nature. The right hon. Gentleman is quite right in supposing that the Government do not desire the criticisms of its supporters only, they also court the remarks of its opponents. It has almost unavoidably occurred that many of the criticisms on the Bill have been devoted to matters of detail which are chiefly for the consideration of the Committee. The House will feel that it is not desirable for me to enter into those details; at the same time, I may be allowed to say that many of the suggestions which have been received from numerous quarters are of much importance, and will receive the consideration of the Government. But I desire now to address myself to one or two of the more important criticisms made on some of the main provisions of the Bill. I think some of the objections, coming as they do from persons taking opposite views, do to a great extent answer each other. On the one hand, it is objected that there is no sufficient security of tenure for the occupier—that he is not properly protected against eviction by his landlord. On the other hand, it is contended that the provisions restricting the landlord's power of eviction are hard and oppressive, and deprive him of his just rights. I cannot help thinking that those different objections point to the conclusion that the Bill has somehow hit the happy medium between these two extremes. I cannot conceal from myself the fact that many hon. Members—I would mention among them the hon. Member for Clonmel (Mr. Bagwell)—who have repudiated fixity of tenure in terms, really mean what I should understand as fixity or perpetuity of tenure; for when they say that the landlord ought not to have the power of ejecting the tenant except for non-payment of rent, and that the tenant has a right to remain on his holding as long as he pleases, what does that really mean but fixity of tenure—that is, that the landlord is to be deprived of his property? Sir, we must look this matter in the face. The Government, it appears to me, have done all that they fairly can to secure what my right hon. Friend at the head of the Government explained to be security of tenure, as distinct from fixity or perpetuity of tenure. If you go further, as was said by the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), you dissolve altogether the ties which unite landlord and tenant, you take from the landlord the inducement to reside on his property, you give him every inducement to become an absentee, and, call him by what name you will, he is a mere rent receiver. These, then, are provisions which cannot be assented to by Her Majesty's Government. Again, we have objections to the effect that the tenant is not sufficiently compensated for improvements; while, on the other hand, it is alleged that the compensation is excessive, and it has been said, with some appearance of force, that with regard to some classes of improvements, such as buildings, and others of permanent character, his title may go back to an indefinite period. That is an objection which appears to me to have force, and it is one of those matters which must be considered in Committee. But I desire now more particularly to address myself to the very able speech delivered last night by the right hon. and learned Gentleman the Member for the University of Dublin. On the whole, I listened to that speech with satisfaction. Of course, it was very satisfactory to find that certain portions of the measure were approved by so high an authority. At the same time, the right hon. and learned Gentleman made certain objections to parts of the Bill which very much surprised me, and appeared to be founded entirely on mistake. The right hon. and learned Gentleman's main objection to the Bill was that it tended to increase the distinction between the law of landlord and tenant in Ireland and the law of landlord and tenant in England. I took down some of his expressions, to which I wish to call the attention of the House. The right hon. and learned Gentleman said—

> "But your views now are—'Let us raise up an eternal barrier—a broad line of demarcation between England and Ireland.' What you say is—'We will not legislate for you on the same principles, we will not give you the same laws.'"

And then he goes on to say that—

> "On every subject where legislation is necessary the Government put forward for Ireland a policy exactly the opposite of that which they adopt for England."

Now, I must say, with profound respect for the right hon. and learned Gentleman, a more unfounded criticism was never made on a Bill. The fact is the opposite as far as the main portion of the Bill is concerned, and that leads me to consider how it is that we have now an Irish land question. One of the main reasons is this, that whereas the English courts have always recognized agricultural customs between landlord and tenant, and between the outgoing and incoming tenant, the Irish courts have not recognized these customs. What we propose is not to make the laws of England and Ireland more different, but to assimilate them, and that the customs of Ireland shall be recognized in Ireland as the customs of England are recognized in England. And that is what the right hon. and learned Gentleman called a dissimilarity of laws. It is well known to all English lawyers who are in the habit of going circuit that questions of tenant-right are among the most common classes of cases that come before the courts. Witness after witness deposes to the custom of the country, and the custom is a fact for the jury, under the direction of the Judge. The right hon. and learned Gentleman appears to suppose that the relations of landlord and tenant are regulated entirely by contract in England; but there was never a more unfounded apprehension. There are in England a number of tenancies from year to year subject to the various customs of the country. One of the greatest authorities on the subject—Mr. Woodfall—says the agricultural customs in England and Wales vary very much, and proof that a custom prevails in one district does not establish its existence in another. A Committee of this House, in 1847, inquired into the various agricultural customs of England and Wales, and I will give one or two examples of those customs which will show that a good deal of misapprehension prevails on this subject. In Lincolnshire it is the custom for tenants to receive a portion of their outlay in artificial manures, under-draining, and some other operations, calculated with reference to the number of years they have enjoyed the occupation of the land; and I understand, from inquiry, that buildings and other permanent improvements are also included in the same custom. In Derbyshire, a short time ago, a yearly tenant claimed a proportional part of the cost of drainage done during the two preceding years, and—mark this—done without the knowledge of the landlord, and that custom was held by the Court of Queen's Bench to be a good custom. There are instances of various customs in Surrey, and there is a well-known case, called, I believe, "Clode's case," in which recently, in the Court of Common Pleas, a tenant recovered very heavy damages—I believe some thousands of pounds—by way of tenant-right compensation from his landlord. Therefore, the right hon. and learned Gentleman is in error in supposing that the relations of landlord and tenant in this country are regulated entirely by contract. There is a tenant-right in this country as well as in Ireland, and it is recognized by the courts. It was said by the hon. Baronet the Member for Londonderry (Sir Frederick W. Heygate) that if this custom in Ulster had been recognized by the Irish Courts, in all probability there would have been no necessity for a Land Bill; and he expressed the opinion—whether well-founded or not I will not say—that the English Judges would have recognized it. I freely admit that the Ulster custom goes beyond any custom in England in favour of the tenant; but are there any hon. Gentlemen in this House who maintain that the Ulster custom is not to be recognized? Is there not a general concurrence in the opinion that it must be recognized—that it is an existing fact which you cannot ignore; that landlords and tenants in Ulster have from year to year, and do, and will, contract upon the footing of this custom, and that you cannot put it down or get over it? Would it be wise or statesmanlike to ignore that which exists, and which you must recognize sooner or later? Ulster landlords have addressed the House, and so far from repudiating the custom, they have admitted it; and what the Bill says is this—The Ulster custom, and other customs in Ireland, not having been acknowledged by the courts in Ireland, shall hereafter be acknowledged by them as English customs are in England. This is what the right hon. and learned Gentleman calls making unequal laws, and putting the people of Ireland in an inferior position. It is precisely the opposite; it is making equal laws; the laws will be the same in both countries, and it will be that customs are to be recognized, whether they are those of Lincolnshire, or Derbyshire, or Ulster, or

Connaught. There are, however, further questions of great importance which must be dealt with. One is, whether this custom of Ulster is to be extended to the rest of Ireland. In my opinion, it cannot be so extended. The principle of the Bill is the recognition of existing facts; it does not make facts. The principle on which the courts recognize customs is this—Where a custom exists it is assumed that the persons who contract make their contracts with reference to it, and that it enters as an implied term into every agreement. Therefore, I contend it would be contrary to the spirit of legislation which has been adopted in recent times, to the principle of this Bill, and to the manner in which we deal with England, to make the Ulster custom general. Another question of very great importance is, how are you to define the custom? I confess I agree with the right hon. Gentleman who last addressed the House that you cannot accurately define the custom, and that it appears to be almost impossible to do it. The English customs are not defined; they are not written customs; they are proved by witnesses; the extent to which they prevail is proved; it is proved to what estates they apply. These are all matters of evidence. What would happen if the Legislature endeavoured precisely to define customs? Hon. Gentlemen opposite have said again and again that there are many variations in custom, that different customs prevail in different parts of Ulster, and I do not doubt it. If an attempt were made to define a custom, the effect would be that a tenant failing to prove a custom precisely according to the definition of the Legislature would be excluded from any compensation whatever, and the greatest possible injustice would be done to him. I agree with the right hon. and learned Gentleman the Member for the University of Dublin when he said there were two courses—one being to shape this measure so that it shall be flexible and accommodate itself to every variety and modification of tenant-right; the other course being to define and fix a system of tenant-right permanently for the whole district. The former is the view of the Government, and that which the Government endeavoured to effect with the Bill. If it can be shown that any words more apt might be introduced for the purpose of carrying out that intention, and making the clauses more flexible, so that the tenant shall be able to prove his custom, whatever it might be, then let those words be introduced; but the tenant should not be shut out from compensation because of some technical difficulty in bringing the proof of the custom precisely within the definition in the Act. For this reason there should be a flexible definition. It should be a definition adapted to various usages, and I confess my inability to define distinctly what scarcely admitted of a precise and accurate definition, at all events, as regards the whole of Ulster and a large part of Ireland besides. The right hon. and learned Gentleman has said that Government were determined to perpetuate this tenant-right, and so said the right hon. Gentleman who last addressed the House—the Government were determined to perpetuate and stereotype it; they treated the Irishman as totally incapable of contracting and as an inferior being altogether. I reply—"Nothing of the kind; finding this custom we recognize it; we do not perpetuate it; we do not extinguish it; although we permit it to be extinguished on certain conditions." Nor do we object to contracts; on the contrary, the policy of the Bill is rather to encourage leases, and long leases, than otherwise, but we do not by any means impose leases upon those persons who may not desire to have them. Moreover, there will be an opportunity afforded of purchasing the tenant-right if both parties agree. Therefore, that portion of the criticism of the right hon. Gentleman is entirely at an end. Instead of making a different law for Ireland from that prevailing in England the Bill treats the Irish on the same footing with the English, and this portion of the Bill to which I have referred tends to assimilate the laws of England and Ireland. But there are other provisions of the Bill which undoubtedly make a difference—provisions which apply a different law to the relation of landlord and tenant from that which prevails in England. Why this difference? Because these relations are in fact different. What is the use of ignoring facts which stare everyone in the face? I am utterly unable to follow the declamation in which the right hon. Gentleman expatiated upon the wrongs and indignities of Ireland. A more inappropriate declamation I have never heard. What are the facts? We must not shut our eyes to the difference existing between the relations of landlord and tenant in England and Ireland. In the first place the history of land tenure is different in the two countries. The English tenures are based upon and grew out of the feudal laws. The Irish tenures have their origin in the custom of tanistry, and to some extent in that of Irish gavelkind, which differs from English gavelkind, and in the Brehon law. Again, as is well known, there intervened between the landlord and tenant a middle class, scarcely known at any time in this country. What is the use of ignoring that the demand for land in Ireland exceeds the supply, or of ignoring the fact that the Irish peasant depends upon the land entirely, and that if he is turned out of his holding he must starve? What is the use of ignoring the fact that the Irish peasant is not able, as the English peasant, to turn his attention to manufacture, commerce, or other employment? We all know that, as a matter of fact, he is dependent upon the land alone, and these are facts which must and ought to be considered. It must not be forgotten that a large number of small holdings in Ireland derive whatever value they possess from the labour of those who have reclaimed them from moor and bog and have built the huts in which they live. There may be exceptions, but in England we have no class corresponding to these occupiers, who have given almost their entire value to the lands which they occupy. In England we know that, as a rule, improvements are made by the landlord; in Ireland, subject to exceptions, the rule is that they are made by the tenant. I will ask the House to listen on this subject to a short extract from the Report of the Devon Commission, in 1845, to which the late Lord Derby gave effect in his Tenant Right Bill—

> "It is well known that in England and Scotland before a landlord offers a farm for letting, he finds it necessary to provide a suitable farmhouse, with necessary farm buildings, for the proper management of the farm. He puts the gates and fences into good order, and he also takes upon himself a great part of the burden of keeping the buildings in repair during the term; and the rent is fixed with reference to this state of things. Such, at least, is generally the case, although special contracts may occasionally be made, varying the arrangement between landlord and tenant. In Ireland the case is wholly different. The smallness of the farms, as they are usually let, together with other circumstances, to which it is not necessary to advert, render the introduction of the English system extremely difficult, and in many cases impracticable. It is admitted on all hands that, according to the general practice in Ireland, the landlord builds neither dwelling-house nor farm offices, nor puts fences, gates, &c., into good order, before he lets his land to a tenant. The cases in which a landlord does any of those things are the exceptions. The system, however, of giving aid in these matters is becoming more prevalent."

And I believe it is even more prevalent now than it was when the Devon Commission made their Report. All these considerations, however, point to a necessity for dealing differently with the Irish land question from the English land question, and justify those provisions of the Bill of which the right hon. and learned Gentleman the Member for the University of Dublin most strongly complained, that the tenant should not be allowed to contract himself out of the provisions of the Act. I think it must be clear that the measure would be illusory, that it would be a mockery and a sham, if you were to allow a tenant, who is comparatively helpless—and you must not ignore the fact that he is so—to sign away his right in a few words which might be embodied in a common form in a lease or an agreement. These are the reasons which justify the Government in dealing as they have done with the relations of landlord and tenant in Ireland. It only remains for me to notice one or two objections made by the right hon. Gentleman who has just sat down. He complained of the hardship which would be inflicted on purchasers who have bought in the Landed Estates Court. It certainly never could have been the intention of Parliament that the Encumbered Estates Court should be enabled to sell to purchasers a right which the owner of the estate did not possess. What the Encumbered Estates Court, no doubt, was intended to grant was a perfectly valid title; but it could never have been intended that if an estate was sold under the Encumbered Estates Court the purchaser should be able to sell the estate again discharged of the tenants' rights. If the Act did effect that object, then it effected what was unjust and contrary to the intention of Parliament. I have but one thing more to say, and that this is on the subject of courts. The hon. Baronet the

Member for Londonderry (Sir Frederick W. Heygate), I think, advised that all cases should be tried in the Landed Estate Court. I venture to think that would be a very unwise course. One of the great advantages of the Bill is that it localizes and simplifies and cheapens litigation with regard to any disputes which may arise. If there are to be disputes—and we must assume that there will be some—the object should be to get as cheap and summary a tribunal as we can; and that we have obtained. I am by no means certain that we possess in England courts which would deal as summarily, and as cheaply with matters of this kind as these courts in Ireland will do. And when the right hon. Gentleman tries to alarm us by all this prospect of litigation, I, for one, am not frightened at the prospect. I do not believe that its probable extent need occasion uneasiness to anyone. The object of the Bill is to interfere as little as possible between landlord and tenant where their relations are satisfactory, and I believe in nine cases out of ten, or ninety-nine cases out of 100, there will not be any need to resort to litigation at all. It is only when there is a dispute between landlord and tenant—an exceptional landlord seeking to oppress the tenant, or an exceptional tenant endeavouring to take advantage of the landlord—that the Bill will come into operation. The object of the measure is not to create a new code of law, founded upon abstract or speculative theories; its object is simply to accept facts as they exist. Where the relations between landlord and tenant are just and fair and satisfactory the Bill will generally have little or no operation, and it is one of its chief merits that it will only interpose where some wrong or injustice is attempted. I believe the effect of the measure will be, by giving the tenant security of tenure, to give him increased motives for industry; and by giving to the tenant security of tenure it will, at the same time, give to the landlord an increase of rent. Of course I am not sanguine enough to suppose that the measure will meet the views or satisfy the desires of all who have been agitating this question, or that it will at once heal long standing grievances; but I believe it will be accepted as an earnest and an honest and, what is more, an effectual attempt to settle a great question upon drinciples of justice, by the good sense and generosity of the Irish people.

Mr. G. H. MOORE said, that for many years it had been at once his fate and his duty to encounter in a critical and a hostile spirit the different propositions from time to time made for the settlement of this question by different parties and by successive Governments. He had regarded these in every instance as mere frauds and makeshifts to evade political responsibility and to amuse popular discontent—as successive instances of the sinister dexterity with which the duties of Government might be made subservient to the exigencies of Office. But of the measure now before the House he took a totally different view. He believed that it was founded upon just principles, and he believed that it arose out of a conscientious desire to do justice—as far as justice under the circumstances was capable of being done—to meet the demands of public opinion in Ireland, as far as such a course was compatible with the critical condition of public opinion within the walls of Parliament. Entertaining that belief, he felt himself bound, in conscience and in honour, to give to the Bill a frank and outspoken support. And whatever measures he might propose in Committee should be in strict accordance with the principles of the Bill, and for the purpose of more fully carrying out the intent with which he believed the Bill had been originated. He thought he was not arrogating too much to himself when he said he thought he had some right to speak upon this subject; for, in the first place, he had been engaged for the last twenty years in the personal management of property in the West of Ireland which consisted almost entirely of small holdings. In the second place, for a still longer period he had been engaged in the discussion and agitation of this question in and out of Parliament; and thirteen years ago he was intrusted with the duty and honour of proposing in that House, in the name of the tenantry and the tenant-farmers of Ireland, a Bill representing their opinions and embodying their sentiments. In the third place, he approached the consideration of this subject with a free mind and a clear conscience. Although prominently before the public in Ireland for very many years in connection with this subject, and never considered by the Irish people as either a laggard or a dastard in what he believed to be popular rights, he had never advanced a single proposition in connection with the subject from which he had now to go back in his advocacy of this Bill. He had heard and fully believed that the people of Ireland were disappointed in the measure; but they were disappointed—not wholly certainly, but mainly, perhaps—because they had been led into expectations—he should not speak frankly if he did not say delusions—which could possibly, under all the circumstances of the case, have had no other issue but disappointment. In these delusions he had no share, directly or indirectly. He had never entertained them himself; he had never condescended to propagate them among his countrymen. He had always endeavoured to hold clearly and definitely before them the claims that they had a reasonable right to see one day conceded by Parliament, and the essential principles of these claims, he thought, were conceded by the present Bill. Now, to show that he did not speak without book on this matter, he could produce in evidence the Bill which thirteen years ago he introduced in the name of the Tenant League and farmers of Ireland. His right hon. Friend the Secretary for Ireland had correctly stated that, in some respects, this Bill went more deeply into the social grievances, and provided more directly against social evils than did the Tenant League Bill; but, on the other hand, he thought he should be able to show him in Committee that the provisions of the Tenant League Bill dealt more broadly and comprehensively with the practical issues arising out of the operations of the present law than did this Bill. He thought he should be also able to show that the provisions of the Tenant League Bill were not only within the scope and manifest intentions of the Bill before the House, but were natural and necessary corollaries arising out of the principles laid down, and the just and merciful spirit by which he believed it had been dictated. In fact, the principal objection he had against this Bill was, that it did not appear to him to carry out its own principles to their natural conclusions. In regard to certain objections as to the intricacy of the Bill he did not wish to say much. Although certainly he could not agree with his right hon. Friend the Secretary for Ireland that it was exceedingly simple, yet he was not prepared to find fault with it as being exceedingly complex. There were so many divisions and subdivisions; its provisions were so loaded with provisoes, and those provisoes again so overridden by limitations and exceptions, that it was difficult sometimes for an unlearned man to ascertain what were the ultimate issue and result. These, however, might be only the legal luxuries of professional art; and they would have not only the great practical experience of his right hon. Friend the Secretary for Ireland, but also the legal acumen and great lucidity of expression of his learned Friend the Solicitor General for Ireland to simplify and explain what now appeared to be intricate and involved. But there still remained behind the vital and fundamental objection that the Bill did not carry out its own principles or make good its own intentions. Good intentions were said to form the pavement of a place that was once offered to the Irish people as an alternative for Connaught; he hoped there was no danger of a similar issue in the present instance. The main intention and purpose of the Bill was clearly this — to protect the tenant against capricious eviction, and make him as far as possible a free man. Now, it appeared to him that the Bill, as it now stood, would accomplish neither of these objects. It provided against eviction only in one of the many forms which eviction assumed in Ireland, and protected the tenant in the occupation of his holding only on the condition of his remaining always *adscriptus glebæ* in his own person and that of his posterity. Now evictions in Ireland assumed three customary and habitual forms; not to speak of others which might be regarded as anomalous and exceptional. First, there were evictions pure and simple, in which the landlord issued his notice to quit without any reason assigned. Against that mode of eviction there was an elaborate and effectual protection offered by the Bill. The second was eviction by an arbitrary increase of rent; and unless the Govern- could show that the remedy proposed by their Bill was effectual and complete, the effect of Clause 3 would only be to bar the front door against eviction, while the back gate was thrown open for it. This issue was touched, he admitted, but only touched, by the provisions of the Bill, and it would be the duty of the Government to show in Committee that it either was or would be dealt with in an effectual manner. The next form of eviction was this—where a tenant in the occupation of his holding, having a substantial interest in it, was prevented by age or misfortune, or any other cause, from continuing in the occupation of the holding with advantage to the landlord or himself, but was, nevertheless, prevented from selling it to a solvent tenant—to hold that man to be *adscriptus glebæ*, until driven into insolvency and ruin was clearly outside the intention of the Bill; and, unless provision was made for such a case, the Bill would go through the world halt and blind, and unable to find its way to the objects it sought to attain. He listened last night to his right hon. and learned Friend the Member for the Uuiversity of Dublin (Dr. Ball), not only with the admiration due to his eloquence and great intellectual resources, but with the admiration due—he would not say to his audacity, for that would neither be Parliamentary nor complimentary—but the presence of mind and firmness of purpose with which he criticized the details of the Bill. The right hon. and learned Gentleman expressed himself satisfied with Clause 3, except that he thought the scale of compensation rather too high; but he said the landlord ought to be able to "contract himself out" of the clause by an abatement of rent; his right hon. and learned Friend spoke of an abatement of £1 per acre, which must have been based on a very rosy valuation indeed of land in Ireland. But abatement of rent for how long a period? It appeared clear that the tenant in such a bargain as this would be selling the legal interest he possessed for an annual consideration; but he should like to know in what year that annual consideration would cease to be the property of the tenant? The proposition of the Government was much more liberal to the landlord, because, although the provisions of Clause 3 were binding on the tenant for ever, yet under Clause 16 the landlord might contract himself out of that obligation by a lease for thirty-one years without any abatement of rent whatever. But his right hon. and learned Friend said thirty-one years was too long a period. Was it too long to redress the history of a whole people? Was thirty-one years too long to sweep away the deposit of prejudice and passion that the continuous currents of 700 years had accumulated? The right hon. and learned Gentleman talked of the English standard, but the English standard was not to be the standard of the world. It was considered one of the weaknesses of the English character that the English people fancied they were to be regarded as a standard for all the rest of the world; and just as in the olden time of Ireland the Anglo-Irish were deemed *Hibernis Hiberniores*, it appeared to him that the West Briton had become more English than the English. The right hon. and learned Gentleman, not satisfied with crying up the English land tenure to the skies—of which, however, the drawback was that it had not succeeded—decried and deprecated the tenant-right of Ulster, which, whatever might be said of its faults, possessed at any rate the redeeming feature that it had eminently succeeded. For his part, he could not repress the conviction that the great object which that House, and he believed the whole Empire, had in view—that of promoting the happiness and general satisfaction of the Irish people—would be most completely accomplished by extending and transplanting through the whole of Ireland that happy custom which had grown out of the social relations of the people in the only part of Ireland where those social relations were allowed to have their natural course. In endeavouring to encourage in the South and West of Ireland the same cordial relations, they should seek for the seeds of those institutions which, under happier circumstances, had grown up in another portion of the country and produced content among the people. The tenant-right of Ulster had not risen out of the empirical doctrines of political economy; but had originated in the mutual affections of men who trusted each other and depended on each other. Out of this free and cordial union arose that famous custom which had raised the men of Ulster to a position of eminence among the people of Ireland, from which their fellow-countrymen had no wish to pull them down. It had been remarked in the course of the discussion that the landlords of Ulster were becoming dissatisfied with the Ulster custom; but he had also heard that the tenants were becoming dissatisfied with the landlords; and if the tenant-custom of Ulster should be gradually invaded and evaded, the kindly social relations upon which the Ulster custom was based would gradually crumble away. What had Belfast and Londonderry said? He believed that the voice of the two towns had shown that the people of Ulster were beginning to think for themselves and for their country, and that he might yet live to see the day when a voice would go forth from Belfast which would be the echo of that which their fathers uttered at Dungannon. In conclusion, he would confine himself to stating the two reasons which induced him to support the Bill. He supported it, in the first place, because he believed that it contained the essential elements of as good a measure as the tenant-farmers had any reason to expect; and he supported it in the second place, because he was of opinion that by the passing of the Bill and by the final settlement of this question the spell would be dissolved which had hitherto fascinated the faculties and paralyzed the national will of the Irish people. He believed that they had been under the wretched delusion that they could obtain from the Legislature that which, by the laws of the Empire, they were not entitled to, and that the tenant-farmers of Ireland had allowed themselves to be led astray from other objects worthy of Irishmen. There had arisen a detestable internecine warfare between landlords and tenants, and while occupied in that barbarous pursuit they did not perceive that trade and industry were drifting far away from a land in which industry appeared to have found no home. A terrible problem had been set before the Legislature. The landlords were absentees, the people were departing into exile—the tenants asked the Legislature in the name of justice to dispossess the proprietors, and the proprietors asked the Executive in the name of humanity to shoot the people. These were the demands of both the claimants at the same time, and it might be a question whether it would not be as well to attend to both. Both the Legislature and the Executive, he thought, were sometimes in doubt whether it would not be as well to attend to both those suggestions; and he confessed that such a course would be an appropriate consummation to a policy of which the essential tactics had ever been alternately to assail and exasperate every class without conciliating any. But he hoped for better times from the operation of this Bill. Certain it was the people would unite for only one object, and that the only object which would regenerate the industry, revive enterprize, and, above all, win back the affection, the manhood, and the fire of the race to the only nation that had a right to command the energies of the Irish people.

Mr. H. B. SAMUELSON said, he took so great an interest in the Bill now before the House that he was unwilling to give a silent vote upon it. There were many parts of the measure which gave rise to no difference on either side of the House. It was admitted by universal consent, that whether the Ulster custom was beneficial or not, that custom should be legalized, and that where improvements had been made by the tenant he was entitled to compensation. There were, however, two principles in the Bill on which there were great differences of opinion. The first was on the question of compensation for disturbance, and the other was the policy of the State assisting the tenant to purchase his holding. Now, with regard to the first of these principles, he thought the Government had taken the true course; though he admitted that on economical grounds adherence to the doctrine of that course was not defensible. But when they had to choose between political economy and the continuance of a state of feeling in Ireland which was prejudicial to the safety of the Empire, attended with an unexampled drain of emigration, they could not hesitate which they would choose. Since the years 1846-7 the population of Ireland had decreased by two and a-half millions; and if they made allowance for the natural increase of population during the same period the decrease could not have been less than from three to four millions. Now, was it not desirable that no effort should be made to stop this emigration? especially when they remembered that every Irishman who left the country became their enemy. They might, however, face even this danger if the population was really in excess of the capability of the land to maintain them. But he believed no such thing. He had satisfied himself that on a holding of seven or eight acres an Irish tenant could not only exist but prosper. He had found on such farms industrious men thriving and accumulating small fortunes. It was the same in other countries. For the last two or three years an enquiry had been going on in France as to the effect of these small holdings, and the evidence went to show, not only that upon small farms the tenant could be moderately prosperous, but that such farms actually caused an increase in the average amount of the produce over the whole of France. In Belgium there was a similar state of things. He would not refer to old authorities, but he would refer to the last number of the *Royal Agricultural Review*, which contained a report from Professor Vöelcker and Mr. Jenkins on La Campine, a part of Flanders which was said to consist naturally of blowing sand; it was found that on a ten-acre farm on that soil, after paying 50*s.* an acre for rent, after providing a home and food for the tenant and his family, there was left in lieu of wages a profit of £30 or £40 a year in excess of interest on the tenant's capital. These examples were sufficient to show that in not discouraging small holdings they were, at any rate, not encouraging a great economical evil. But the Bill not only encouraged small holdings, it also encouraged small proprietors. He regarded this as an advantage. If they increased the number of the proprietors of the soil they increased the security of property. But it had been said by an hon. Member that to render peasant proprietors prosperous, there was needed, first, thrift, then, an equable climate, and third, a population whose ratio of increase was small. Now, as regarded thrift, he did not believe in the unthriftiness of the Irish character. But if there was a want of thrift it was because they had no sense of security in the enjoyment of their property. Give them the security and the thrift would follow. Then, as to the climate, he thought the characteristic of the Irish climate was, beyond all others in Europe, its equability. It was true that Ireland was not suited for the growth of wheat; but it was eminently suitable for roots and artificial grasses. He had found among the small farmers of Ireland instances of as much skill in the management of their crops as he had ever seen in England or Scotland. As to the growth of population, as he had said, that of Ireland was decreasing. Emigration had raised the standard of comfort, and men did not marry so early as they used to do. He had known many men and women in Ireland who lived in a state of celibacy in order that they might accumulate increased resources for the cultivation of their holdings. This was very common in the Eastern counties, but in the Midland counties, particularly Meath and Westmeath, the ratio of marriages to the population was little more than one-third of the ratio in the United Kingdom, so that increase of population in Ireland could not be fairly adduced as a reason against the creation of small landed proprietors. It had been argued by the right hon. Gentleman the Member for the University of Dublin (Dr. Ball) that small properties of this kind would have a tendency again to coagulate—if he might use the word—so that the work Parliament was now undertaking would in the end be undone. Without denying that such might be the result, he (Mr. Samuelson) would remark that it could only be brought about under a state of circumstances which he should be glad to witness. The savings of the Irish farmer were now producing little or no interest; but if a period should arrive when he might be able to employ his money to greater advantage than by investing it in the purchase of his farm there was no reason against his doing so. He (Mr. Samuelson) approved of the two principal elements of the Bill. As to fixity of tenure he objected to it, not simply because it would be an unjustifiable interference with the rights of property, but also because he believed it would prove prejudicial to the tenantry themselves. In the first place it would dissever from the land all investment of capital in their estates on the part of the proprietors, who would have no further interest in the improvement of their estates. Besides, many holdings were in the hands of tenants so entirely without capital, and so deficient in the intelligence which good agriculturists ought to possess that it was not desirable to leave them without the control of a landlord. There were some portions of this Bill to which he could not give his approval, though he believed they were capable of amendment. For instance, he was at a loss to conceive why a distinction had been drawn between the Ulster tenant-right and the tenant-right of the remainder of Ireland. Last evening the right hon. Gentleman opposite, quoting from a report of one of the Poor Law Inspectors, referred to the infinite variety of customs characterized by the generic term of the "Ulster custom," and if the right hon. Gentleman had cited the reports of other Inspectors he might have shown that there prevailed in other parts of the country customs analogous to or even identical with the strictest forms of the Ulster custom. This being the case, why should a distinction be made between Ulster and the other parts of the country? Surely, in the present condition of Ireland, everything which could by any possibility give rise to a suspicion that Ulster was being dealt with more favourably than the other Provinces ought to have been most sedulously avoided. The clauses regulating the scale of compensations in disturbance required revision. He knew farms in Ireland upon which the cultivation had been so intense that the maximum scale allowed for farms of that particular size would not be sufficient to cover the compensation for the improvements in cultivation alone, as distinguished from permanent improvements. It might be said, perhaps, that under another clause a tenant might claim the full value of all improvements in cultivation; but in that event he apparently would not be able to get compensation for eviction. As to subletting he admitted it ought not to be encouraged; but at the same time every possible provision should be made for promoting the comfort of the agricultural labourers, for in consequence of the continual stream of emigration the number of labourers was gradually diminishing, and there was some danger that the time might arrive when sufficient labour could not be procured for the cultivation of the land. There ought, therefore, to be no such limitation as that a labourer should have only half an acre of garden ground. On the contrary he should be enabled to keep a cow as well as to cultivate a few potatoes. He was not of opinion that much litigation would arise under the Bill; but when only small amounts were in dispute, cases ought not to be allowed to be carried to a court of appeal. On the whole the Bill was an admirable one, and he gladly accepted it, in spite of the fear which had been expressed that it might not prove a final measure. In other countries, and notably in Prussia, the land laws had been the work of many years, and we could not expect in a single Session, or even in several Sessions, to establish a land law in Ireland which would be altogether satisfactory and complete, but he regarded this Bill as a most important step—a more important one than he had expected any Government would have the courage to take—in a course of legislation which he believed would be a benefit both to Ireland and to the Empire at large.

Mr. C. S. READ said, he had never doubted, when once he had heard the principle on which the Bill was founded, that it would be his duty, as well as his desire, to support the second reading. He knew that under the Bill certain rights of the landlord were abrogated; but those rights had been so long in abeyance that they were of little pecuniary value, and if you could not enforce your rights it did not signify whether you possessed them or not. New rights, however, would be created, and the remedies of a good landlord against a bad tenant were so simple that he believed, on the whole, landlords in Ireland would be gainers rather than losers by the Bill. As to the Ulster tenant-right, he thought the Government had used a merciful consideration in not extending it all over Ireland. As a tenant-farmer, he knew no right so stupid and, at the same time, so unjust. It was stupid because it professed to give a man an interest in the land, whereas it really made him bury his capital during the whole time of his occupation; and in all probability prevented him from cultivating the land as he should cultivate it. Then, too, in selling the goodwill of the farm he was selling that which he had no right to sell, and, therefore, the custom was unjust. It was wise, also, on the part of the Government not to attempt to define that which they really could not define. There were so many varieties of the custom, not only in the Province, but in the same parish, and even on the same estate, that it would have been impossible to define what Ulster tenant-right was. He supposed the Bill left things exactly as they were; but if leases had been given at a reasonable rent, for the express purpose of abolishing the right, that stipulation should not be void; and, again, if a landlord had bought out the tenant-right, a new tenant should not be able to claim a right of seven years' occupation as he would do, if ejected, under Clause 2. He hoped, also, that if a tenant had made a bad bargain, by giving twice or thrice as much for the tenant-right as it was worth, he would not be at liberty to turn round upon his landlord and so recoup himself. Cordially approving the definition of what was to be regarded as an improvement, he was glad that the presumption in favour of the landlord as to improvements should cease, and that there should be compensation for retrospective improvements; but there should be some limit of time as to these, and, even in the case of reclamation of land and buildings, twenty years ought to be sufficient to recoup any tenant for what had been done. Moreover, the tenant and not the landlord should be called upon to prove who was at the expense of retrospective improvements. His sympathies were, of course, with the Irish farmer; but he could not see the justice of the clause under which the Irish farmer was to be paid for interruption of tenancy. If the tenant had expended any money, and his prospects were interfered with, he should be paid to the full; but it was not easy to see why he should be paid for interruption of occupancy, and, admitting that, he thought, there was a chance, as the Bill stood, that he who lost most would get least. For example, if one man rented a cheap farm at £5 a year, and another rented a similar farm at double the money, the latter would be paid £70 and the other only £35. As to a small farmer, he would receive much less injury from eviction than a large farmer. A holder of three or four acres of land might be all the better for being made an agricultural labourer; whereas there was no more miserable being than a broken-down farmer of 100 or 200 acres. In England, if you did not make him relieving officer, or surveyor to the new Highway Boards, or put him into some other office for which he was equally unfit, he speedily became a candidate for the Royal Agricultural Benevolent Institution. Under the Bill the small holder, if ejected, would receive money with which he might emigrate or seek employment elsewhere; and, as it was now the almost universal rule in Ireland to give money to an ejected tenant of this description, the Bill merely legalized a humane custom. The hon. Member (Mr. Samuelson) had quoted from Dr. Vöelker as to small farmers in Belgium; but he should have added the conclusion of the writer, that their earnings were lower than those of an English agricultural labourer. He (Mr. Read) was greatly in favour of agricultural leases, which ought to be given in all cases where you could find an enterprizing and a wealthy tenant; but indiscriminate leases in small holdings would be an injury rather than a benefit. He was told that the Irish people repudiated the provision in the Bill that agricultural leases of thirty-one years were to stop litigation. If that were so, the Irish were the most unreasonable people in the world; and if a landlord said to a man—"I will give you a thirty years' lease, with compensation for unexhausted improvements, at a rent which cannot be extravagant, because it must be submitted to the court," and the tenant was still dissatisfied, he (Mr. Read) would not try to make him satisfied. But would it not be well that at the expiration of the thirty years those parties should be treated more as civilized beings, and should be allowed to contract themselves out of the provisions of the Bill? There was one remark which he wished also to make on that portion of the measure which related to the creation of small freeholders. It would not, in his opinion, answer, because it could not be made to pay. Poets, politicians, and philosophers always looked on small freeholders as a very happy class of men; but he regarded them, as a rule, as most miserable, and it would not, he thought, do to try to bolster up a system which was gradually dying out merely because it did not answer. If a man happened to be the owner of 100 or 200 acres of land, which he farmed himself, he invariably found that he could not make above 3 per cent on the money which was invested in the fee simple; whereas he could make 8 or 10 per cent if he invested as a tenant. The result was that he sold his land when he could, and became a farmer on a larger scale. He might illustrate his argument by his own case. He was a little freeholder, and he had a small farm which he let, while he rented a large one. If it were not for the law of entail, he should sell that little freehold; and, he might observe in passing, that when persons talked about the law of entail operating to keep large estates together, they should remember that several small estates were protected by that law from being snapped up by some large proprietor. He might express his cordial concurrence with the right hon. and learned Gentleman the Member for the University of Dublin, when he said that what Ireland wanted was not so much the creation of a peasant proprietary as a greater number of landed gentry. It struck him that in that country there was no middle class. There were the owners of very large estates, and small squireens; tremendous land agents in Dublin, with their offices all over the country; and insignificant, ignorant bailiffs, who did the work for them. There were also great graziers, occupying 2,000 or 3,000 acres of land, and cottier farmers; but he looked in vain for those men who farmed 200 or 300 acres of land, and who constituted the bone and sinew of England. There were in Ireland large cattle-dealers and little men who dealt in pigs and poultry, immense stores in the cities and hardly anything between them and the little retail shops. What was wanted, therefore, in Ireland was, he believed, the creation of a middle class, which could never be created until life and property were more secure in that country. Now, when hon. and learned Gentlemen differed about points of law, it would be very presumptuous in a practical farmer to pronounce which side was right and which wrong; but he must nevertheless say that the law as between landlord and tenant in Ireland was, as far as he could learn, precisely the same as in England, the difference, if any at all, being in favour of the Irish tenant. There were, for instance, more leases in Ireland, and when the Attorney General talked about Derbyshire and Lincolnshire tenant-right, he would merely observe in reply, that they were very limited in extent, and in the large majority of counties in England there was no tenant-right at all, and that in Norfolk no shadow of a custom of that kind existed. Irish Members might, however, say—"You have covenants in Norfolk, which we look upon in the light of a compensation for unexhausted improvements." Those, however, constituted simply a reservation which was made by the landlord for his own benefit and the benefit of the estate, so that the outgoing tenant should at the expiration of his tenancy leave the roots and hay and straw to be paid for at a certain valuation. But what did the Irish tenant do? He sold off everything at the full market price, whereas the English tenant was bound to leave those products which he had mentioned on the farm at the consuming price, which was only two-thirds of their value. He considered the English system was right and the Irish wrong; but the Irish tenant, he thought, had pecuniary advantages at least in that respect. He should like, he might add, when leases were introduced into Ireland, that some little better definition should be given of the rotation of cropping, and that the tenants would be good enough after they had signed a lease to stick to it. There was one remark in the opening speech of the Prime Minister in which he could not concur, and that was when he quoted the increase of rental in different parts of England to show how agriculture had prospered in recent years. In a great number of instances it would be found that, in consequence of the development of minerals and manufactures, the rental had increased; while in other parts of the country no doubt the liberal expenditure of capital in the first instance by the landlord, and in the second place by the tenant, had produced a similar result. That was the case both in England and Scotland, but looking at Ireland he found land there was as cheaply rented as in any country in the South and West of Europe, and infinitely more cheaply than the land either in Scotland or in this country. And yet the tenants generally in Ireland were complaining of their landlords! It must come to this—either the farmers pay simply for the land, and in no case for the buildings upon it; or there were no improvements made, and consequently they did not pay an increased rent for such. He believed on the whole the Bill of the Government was calculated to do a great deal of good. He did not suppose it would satisfy the tenant-farmers as a class. He certainly should not attempt to give them all they asked, or even half what their advocates demanded; but he should be happy to give them all they deserved, and he believed that the Bill of the Government would give them justice ample and full.

THE O'DONOGHUE said, that every Member of that House who truly appreciated the responsibilities which attached to his position, must at all times be anxious to bestow his best attention on the consideration of every public question. That anxiety must be greatly increased if, from the peculiar nature of the question, it was felt that the prevalence of rash or mistaken opinions might lead to disastrous consequences. In the present case no one need be reminded that the House was discussing no ordinary matter, or that the object of these efforts was to establish the foundation of a system under which industry might be able to work out in security and peace those fruits which were necessary for the happiness and well-being of a people. In the course of their operations they would have not only to do much in the way of reform, but also to clear away an old system which was found to be destructive of individual happiness and incompatible with the national prosperity. They could not disguise from themselves the fact that they had had yet to prove, in reference to one peculiar portion of Her Majesty's subjects, how they should apply the principle of government so as to secure the well-being of the people generally. Society in Ireland was partially disorganized, and the representatives of the people were now engaged in no less an undertaking than that of its reconstruction. With no small distrust of his own judgment, and with no feigned wish to profit by the wisdom of others, he ventured to hope for the establishment of such a state of things as must conduce to the common benefit of all. He could not help congratulating himself upon the altered circumstances under which he found himself addressing the House that night. On former occasions he had never approached a land question without feelings of embarrassment that were almost overwhelming. He felt that he was barely tolerated—that he was scattering a quantity of explosive matter around him, and that the sooner he disappeared from the scene the pleasanter it would be, at all events for himself. Now he was comparatively at his ease; for though certainly he had not changed his opinions since he seconded the Motion made by his hon. Friend the Member for Cork (Mr. Maguire) for the second reading of a Land Bill for Ireland, and which, although it had the hon. Member's name, and his (The O'Donoghue's), was substantially the Land Bill of the Tenant League—he had not changed his opinions, nor did he mean to assert that the House had adopted his; but he believed that between his opinions and those of the majority there was an approximation of a remarkable and hopeful character when contrasted with the divergence which formerly prevailed. He was a member of what was called in Ireland the extreme tenant-right party, and he was proud of the name, because it was a distinguishing and an essential characteristic of that party that it held clear, distinct, and, he thought, just views of the rights of the occupying tenantry; and there was another equally essential characteristic of that party which it was sometimes fain to overlook—that it held also clear, distinct, and just views of the rights of the landlords. He never met a member of the tenant-right party who did not recognize in the landlord an undoubted title to the ownership of the land, and who did not admit that to violate the rights of existing owners would be to tear society up by the roots, while it would only lead to a "general scrimmage," as then every man's title to ownership would be exactly on a level with his neighbour's. But the tenant-right party contended that the right of ownership, indisputable though it was, could only be exercised in the interests of society within certain limits, and it was the duty of the Legislature to define and impose those limits. He never could understand how, consistently with justice, that proposition could be contravened. The House knew it to be historically true that a land question had ever been at the bottom of Ireland's troubles. The land question of former times was a perpetual struggle between the ancient proprietors of confiscated lands and the new possessors. That species of proprietary land question had passed away and was not heard of for centuries; but there had grown up from the very nature of things, with the spread of population and progress of the world an occupiers' land question, requiring for its settlement the abolition of all lawless powers of ownership, and that was the land question they had now to deal with. It was evident the House intended to deal with the question; and that in itself was an admission that something had to be done, and that they were not just what they ought to be. They had got as far as that once before; but still their position was better than it then was, for it was evidently now no longer the intention of the House to proceed in treating the patient for one disease while he complained of another. He would advise the House, even as they stood on the threshold of legislation, to deal with this question thoroughly, or not to deal with it at all, and to deal with it in accordance with the spirit and the requirements of justice, and if they did so they would deal with it thoroughly. The evils of which the occupier of land in Ireland complained were patent as the day; and if, notwithstanding that, they applied inadequate remedies to them, they would prove beyond the possibility of refutation that this House was not competent to legislate for Ireland. He was confident the House was disposed to act justly; but it was no disparagement to say that it often required a mighty effort to do what was right, and he solemnly called upon the House, as it valued the reputation of the United Parliament, formally to resolve that as between the Irish owner and the occupier of land justice herself should hold the scales. Things had now reached a point at which anything short of a complete settlement of the question would lead to a reaction ruinous to the tranquillity of the country; because the whole of the people of Ireland had been buoyed up with the hope and had been led on to believe by the organs of public opinion and public men, not merely of Ireland, but of England, that a complete settlement was speedily attainable. The Prime Minister had said that Ireland was suffering from the monster evil of insecurity, and he accepted it as a true and adequate description of her condition. The right hon. Gentleman, no doubt, felt that to sanction such a state of things was forbidden by his conscience; and that for the nation to submit to it was impossible; and in a spirit worthy of himself and his party he determined to apply a remedy which should at once and for ever dry up the source of so much misery. After having given to the perusal of the Bill of the Government, the best care he could, in his judgment it was a good one. He could not share the views of the Mover and Seconder of the Amendment, and he could only account for the course they had taken by attributing it to the circumstance that they had not thoroughly realized the consequences which must follow the passing of the Bill. From his point of view the Bill was, no doubt, susceptible of amendment and improvement, but he would only speak of it as applicable to Munster, Connaught, and Leinster. The object of the Bill was to apply a remedy to the evils of insecurity; and it was quite clear that to do that it must deal with all the sources from which insecurity might arise. It would not do to treat one phase of the malady, and leave others untouched, to work out the destruction of the patient. They could not say to the Irish landlord that he should not evict his tenant because he differed from him in religion or politics, or to gratify some less intelligible caprice, but that he might impose a rent on him which he could not pay, and the non-payment of which would destroy all right in the occupier to the possession of his holding. It was plain that the object of the Bill was intended to be indirect; and if indirect means were sufficient they were safer and better for all parties. One great fact which recommended the Bill to him was that it relieved the occupiers in the three Provinces he had named from their position of abject dependence on the wills of their landlords. Under the provisions of the Bill it was evidently intended that a man should be safe in his occupation so long as he paid a fair rent, and did not sublet or subdivide without permission—for in either case his landlord would be able to evict him without incurring pecuniary penalties and unlimited public odium—no one could say that a tenant who so acted had any right to continue in the possession of his holding. On the other hand, if there were no such complaint against him, and his landlord chose to evict him, the Court would be bound to award the tenant the maximum of compensation fixed by the Bill. If the tenant broke down under the rent already imposed, or declined to pay rent which he knew he could not pay and live, and the landlord proceeded to evict, the Court would be bound, as he understood the Bill, to tell the landlord that his act was a disturbance of the tenancy; for no one would contend that a landlord had a right to demand an unfair rent any more than a tenant to refuse to pay a fair one. In the three Provinces he had named the landlords had been able hitherto to say to the tenants they must do what they wished, or they must quit their holdings, and it was a great recommendation of the Bill that such a state of things would not be possible in future. The moment the tenant was placed in a position which would entitle him to demand terms the nature of the relations between landlord and tenant were changed in the tenant's favour. The right hon. and learned Gentleman the Member for Dublin University (Dr. Ball), had said on the preceding night, with great vehemence, that the relations of landlord and tenant in the future would be the same as they had been in the past, except with the difference that in the future the landlord would not be able to exercise an unreasonable power over the tenant, unless he chose to pay a considerable sum for it. That was the main principle of the Bill. Another principle was, that it assumed all improvements made by the tenant to be the property of the tenant. Admittedly, it was intended by the measure to make it difficult for a landlord to evict a tenant except for non-payment of rent, the difficulty being presented to the landlord in the shape of a money payment, including compensation for improvements and compensation for eviction, the compensation for improvements extending as far back as twenty years, and in some instances properly going still further back. The House had then to consider that the payment was of sufficient amount to constitute a real difficulty, and that neither directly nor indirectly would the landlord be able to evade payment. He took it for granted that the landlord would be bound in all cases of disturbance of the tenant to give him the fullest compensation stated in the Bill, unless it could be shown that the tenant had injured the landlord's property. The third clause fixed the amount of compensation. He would not now enter into the question what that compensation was or what it ought to be; but unfortunately the clause mixed up the compensation for eviction with the compensation for certain classes of improvements, the effect of this would be to violate the fundamental principle of the Bill, which declared that the tenant's improvements should be absolutely and exclusively his property. Again, it would enable the landlord in some instances wholly to evade the payment of compensation, and to abate it in other instances. The tenant, in fact, would be paid with his own money. The remedy for this serious defect in the Bill was to keep the compensation for eviction and the compensation for improvements totally and absolutely distinct. It was said also that the landlord would be able to evade payment of compensation in another way—that owing to competition he would always find some one ready to take his land and pay him the amonnt of compensation awarded to the outgoing tenant. This was not only a serious but a well-founded objection; but one which could be rectified easily by the application of a principle already laid down in the Bill. The framers of the measure, taking into account that competition, had acted disadvantageously upon existing occupiers, had given to the Court the power of considering the amount of rent in the case of existing tenancies when the tenant was evicted for its non-payment. He defied anyone to show that there was any likelihood whatever of a decrease in competition, or that if the landlord's cupidity were not checked the consequence of competition would be a whit less injurious to the new tenant than it had been to the old. What he would suggest was, that the Court should have the power of considering the amount of rent in respect of both tenancies, the old and the new;—the effect of this would be that the landlord would scarcely see the advantage of taking from an incoming tenant a sum of money which in all probability he would have to refund. It would be an evasion of payment if the Court were bound to credit the landlord with the arrears of an accumulated rack-rent, that had always been relied on as a lever, by which the tenant could easily be planted on the road-side. He (The O'Donoghue) could not understand why the tenant should not be allowed to sell his interest in his farm—his right of occupancy in all cases; for the effect of this would be, where the tenant found a purchaser, to relieve the landlord of all payment; and where the tenant could not find a purchaser, the landlord would be required to pay according to the scale. Another effect of allowing the tenant to take his interest into the market would be to hold out an inducement to the landlord to let at a marketable rate. That portion of the Bill which permitted the landlord to settle a dispute with his tenant by offering him a lease for thirty-one years, on certain conditions, struck him as having many taking features. So far as the leases were concerned, that part of the measure would establish the principle that fair rent formed the basis of dealing between landlord and tenant, and that henceforth all leases would be made on valuation in open court. He assumed that leases not made by the court would not exempt the landlords from payment for the goodwill in all cases in which, as leases did now, they bound the tenant in the trammels of oppressive covenants. As far as he could see, the operation of the clause would be to induce both parties to deal liberally with each other. If the landlord gave a lease for only thirty-one years, he could not expect the tenant to do as much for him as if he gave a lease for, say, forty-one, or fifty-one, to sixty-one years; and he thought it would invariably be found, at the expiration of the term, greatly to the pecuniary interest of the landlord to continue the tenant in possession rather than to seek to make a bargain with a new tenant. It must be borne in mind that the lease would deprive the tenant of his claim to compensation at its expiration, though it left him at liberty to put by an equivalent during the running of the lease. Some people supposed the effect of the 16th clause would be to set all the landlords in Ireland scampering about offering leases for thirty-one years to tenants; but he doubted very much any such result, for an absolute condition of the lease made by the court would be that the rent should be an easy one; and as most of the existing lettings were at anything but an easy rent, the consequence of an indiscriminate granting of leases would be a general reduction of rent. Supposing, however, a dispute arose between landlord and tenant about the rent, and the landlord proceeded to evict the tenant, and the tenant invited the landlord to come into court—the landlord, watching the proceedings, would see that they were going against him, that justice and reason were not on his side—he would be sketched for the public eye as one who rushed upon the tenant to force upon him a lease for thirty-one years. Considering that the dispute originated in his endeavouring to get more than he was entitled to, it would be a most extraordinary and ludicrous conclusion for the landlord to ask the court to settle the matter by giving the tenant a lease at a low rent, which would, under the circumstances, be the inevitable result of the action of the court. He supported this Bill because he believed it to be an honest Bill, and that it would confer upon the occupying tenantry of Ireland advantages of which they had but little notion at present, owing to the senseless clamour that had been raised. He believed that if the Bill passed it would be next to impossible for a landlord to evict a tenant, unless he had such reasons for doing so as everybody capable of discriminating between right and wrong would sanction. The House might think he was indiscreet to say this, and he would not have said it but for the attempts made—doubtless with the best intentions—to disparage the character of the Bill. He did not anticipate that the Mover and Seconder of the Amendment would have any appreciable number of Irish Members to follow them into the lobby, but he thought it probable that a large number of Irish Members, in the interest of the occupying tenantry and of the tranquillity and stability of the Empire, might have to call upon the House not to allow the Bill to be curtailed of its fair proportions. The class of occupiers who seemed to stand at a greater disadvantage than any other under the Bill was the class of existing leaseholders. The Government should recollect that many leases had been recently made to defeat or anticipate legislation; that as a general rule existing leaseholders were bound by the most oppressive covenants; and that the existing leases were drawn on a principle the very opposite of that regulating the drawing of leases under this Bill; that, as a general rule, the leaseholder paid a higher rate than the yearly tenant, the increase of rent being the price paid for even a temporary amount of security, and that something ought to be done, therefore, to enable this class of occupiers to derive some advantages from the Bill. There were some other portions of the Bill, such as that which afforded facilities for the purchase of land, and that which enabled the farmer to sublet to labourers which he regarded in a favourable light, while there were other parts which required very slight emendations to make them satisfactory; but he would not trespass upon the patience of the House by referring to them. He hoped that when this Bill had passed from the hands of the House all the evils affecting the tenure of land in Ireland would have been redressed. He hoped also that the House would accord its due weight to the recommendations of those who, in a constitutional sense, were best entitled to speak on behalf of the people of Ireland. Any other course taken on a question affecting, as he might say, their very household arrangements, would render it hard to persuade the Irish people that there was much use in continuing to send their representatives to that House. A settlement of the land question, by defining and enforcing the rights of owners and occupiers, would altogether change the aspect of affairs in Ireland. Each successive act of justice would develop feelings of contentment and loyalty, and narrow the circle of disaffection and discontent. Good government was all that the most ardent lover of his country desired; good government was all that the Irish people sought; and after the experience of the last Session he refused to believe that they would seek it in vain at the hands of the United Parliament. In the enjoyment of the solid advantages which that House had it in its power to bestow, past misrule would soon be forgotten, and the nation generally would come to regard the gambols of excited patriots merely as so many dangerous eccentricities. He was sanguine about the future, because he had confidence in the policy of the Liberal party—a policy of justice based upon the extension and the free exercise of political rights—and because he knew that the generous heart of Ireland would not fail to respond to the sentiments of affection and justice that governed the conduct of England and Scotland at this juncture.

Mr. HENLEY said, all must wish that the happy consummation to which the hon. Member (The O'Donoghue) looked forward for Ireland might be realized, that Ireland might become loyal, and that all those difficulties which most of us laboured under might come to an end for ever. He could not wonder that a Bill of this kind had been introduced. For the last eighteen or twenty years the subject had been constantly before the House. He believed that at the present moment, when Ireland might almost be said to be in a state of passive rebellion, there was among a vast number of people a great anxiety and uneasiness—whatever they chose to call it—with reference to the tenure of land in Ireland. Nor was it very unnatural. When they reflected on what occurred at the time of the Encumbered Estates Courts, when large quantities of land were sold at a very low price, when very extensive evictions were effected, when the rent of the land was in many instances very greatly increased—it was not much to be wondered at that there should be persons now who feared that the same rule might be measured out to themselves. He thought the evidence that had been before the public for some months perfectly well demonstrated that in the hands of the old owners in Ireland the land was lowly let. That had come out from evidence from so many sources that we could not well arrive at any other conclusion. When they reflected on the great depression in the condition of Ireland twenty years ago; when they considered that since time there had been a vast increase in the value of meat, which was one of the great staples of the country; and that vast facilities had been given for bringing the meat to market, where it fetched a high price, they could not doubt that the letting value of land in Ireland had been very much increased. Under these circumstances he did not wonder at the loud cry for what was called fixity of tenure. Men did not ordinarily sing out to have a fixed holding in that which was a bad bargain. They did not want any evidence to tell them that. He came now to the mode in which this Bill was to deal with the subject. The Prime Minister, in introducing the measure, went at no inconsiderable length into what was called "fixity of tenure," and used arguments he thought so powerful, so far as they went, which would not be easy for anybody to upset. Indeed, they seemed to conclude the question, and showed that it was not to be entertained. But he (Mr. Henley) was very much surprised at the end of those arguments—the arguments being morally as sound for all time as they were for to-day—to hear the right hon. Gentleman declare that for the present he was not disposed to entertain the question of fixity of tenure. The right hon. Gentleman shook his head. All he could say was, it was so reported in *The Times* and the public papers. If he did not say so, he would say no more about it.

MR. GLADSTONE: The right hon. Gentleman is perfectly justified in quoting that phrase as spoken by me; but the sense in which I used it is entirely misconstrued. The sense in which I used it was this, and I hope it will be plain. I had made a lengthened argument on the subject; it was my duty to suppose that others who had studied the question had their views upon it which I was bound to hear; and what I meant was that I now bade adieu to the argument for the present, though I might revert to it in case it should be revived.

MR. HENLEY said, he was glad he had given the right hon. Gentleman an opportunity of explaining his meaning to the House. He now came to the Bill itself, and he would venture to look a little at its provisions, to consider how far they were likely to bring about that reasonable wish not to be disturbed in those good holdings which existed among the tenantry of Ireland. He had been somewhat surprised that most of the speakers — if he had been fortunate enough to catch what they had said—seemed to find fault with almost every provision in the Bill, and yet to give the Bill great praise. The hon. Gentleman who spoke last (The O'Donoghue) said it was an honest Bill; and yet he seemed to point out insurmountable difficulties in every clause of it. His hon. Friend the Member for South Norfolk (Mr. Read) took almost the same course. He pointed out many objections to the principle of the Bill—for instance, as to compensation for disturbance—and yet he supported it. With regard to Ulster tenant-right he (Mr. Henley) quite agreed with most of the Members who had spoken on the subject, that unless it was somewhat defined—and every body seemed to say it was undefinable and inexplicable—it would lead to very great difficulties. If it was left to the courts of law to determine what was the principle of tenant-right in each particular case of dispute, all he could say was God help the tenants and the landlords who fell into the hands of the lawyers to settle the meaning of custom or usage. We saw things of that kind come up now and then in our courts of law, when there was a dispute as to what were commercial customs and usages, and there was generally a very heavy litigation carried on for no short time and not always with very certain results. Passing by these two clauses, the first of which dealt with custom and the other with usages, he came now to the third, which was the most material portion of the Bill. Now, he thought that if human wisdom set about contriving something that would be most likely, in his humble opinion, to defeat the object in view, it was that provision of the Bill. Putting aside fixity of tenure, that clause dealt with what was called security of tenure—a rather fine distinction, but he passed that by for a moment. Now upon what principle of justice did it attempt to establish security of tenure? In this way—first and foremost it drew a distinction, which he should be able to show was not capable of being sanctioned by justice, between a person who was put out for non-payment of rent and a person put out for any other cause. It introduced—for the first time that he was aware—in an Act of Parliament words which characterized such dealings with property in an extraordinary way. It stigmatized the one act by the name of "disturbance," the other it simply called "eviction." Let us see how the Bill acts with reference to the parties who may be concerned. It would not be denied that there were different classes of owners of land in Ireland—hard landlords, fair landlords, and kind and indulgent, perhaps too indulgent landlords. He believed that a large majority of the old owners were and had been indulgent. Now, this Bill put a penalty upon the indulgent landlord and gave a premium to the hard and griping landlord. Take the case of a man who "disturbed"—what was he to do? The Bill said that a man who disturbed a tenant was to pay — for what? He was not speaking now of buildings, or reclamation of land, or acts of husbandry, or fencing; but he was to pay for disturbance on the scale of a certain number of years' holding, which are specified in the Bill. What was to be done then? How was it to be valued? It must be by the loss of the tenant. Suppose one man held twenty acres of land under an indulgent landlord at 20*s.* an acre, and another held under a griping landlord at 40*s.* an acre. The Judge before whom this case came would say to the tenant of the griping landlord—"You have sustained no loss; you have been paying more for the land that it is worth; and the landlord shall pay you nothing." But the indulgent landlord would sustain a loss. It is as clear as the sun at noon-day that his tenant would say, and say fairly—"See what a good holding I have had; see what a kind landlord mine is; see what profit I have made out of the land;" and so the owner for his kindness, which might have gone on for years was to be mulcted in seven years' rent. That was the reward the Bill gave to a kind, forbearing landlord. He (Mr. Henley) said it was giving a premium to a landlord to be hard and griping. Yet this was called justice. What would be the natural consequence? He did not conceal from himself that, directly the law passed, every owner would feel that to a certain degree the law had dealt with his property, had altered his position and made him liable to pay for certain rights for which he never before had an idea of paying. He would therefore naturally cast about to recoup himself for this change of position. How would he set about it? There are three modes by which he might accomplish this object. Perhaps a man advanced in life, or indolent, would say he would give a thirty-one years' lease and have done with it. That was an easy method which many perhaps would adopt. The clauses were to be settled by courts of law. Under one of these clauses the tenant would be bound to give up possession at the end of the term. That, he presumed, would not be considered an unreasonable clause even in an Irish lease. [*Laughter.*] Hon. Members laughed, but one heard very queer things—it was said, for instance, that the tenant-right of Ulster grew up because a man paid it to avoid being shot by the man who went out. Suppose that done and settled—what would be the next thing? A man who let his land at an easy rent would say—"What a fool I have been!" and would set to work to raise his rent gradually. Well, that would not be particularly beneficial to the tenant. What would be the next step? This Bill put a market value by statute upon every holder of land in Ireland. It ticketed him with a certain money price round his neck. According to the number of years of a man's holding, so was he publicly ticketed at the discretion of a court of law with a certain statutable money value, which was to be paid to him if disturbed. That being so, a landlord would say—"You have cut the connection between me and my tenants. You have done away by statute with everything I consider my duty towards my tenants. You have put a money price on every tenant. Had I not better buy them out? My land is let at 10, 20, or 40 per cent less than I could get for it if it was clear. Will it not be my interest to borrow the money and pay the statutable value which Parliament has put round the man's neck?" That was the money way of looking at it. That was what was said by a nobleman whose writings had attracted a good deal of attention—he meant Lord Dufferin. Two or three years ago Lord Dufferin said—

> "The supposed moral attributes of a particular class, or trade, or profession, cannot come in the way of the politician. His only safe rule will be to take it for granted that every class, and every individual in every class, will pursue his own advantage with unflinching pertinacity."

That was from one of Lord Dufferin's letters about the Irish land question. When you had cut the cable between landlord and tenant in Ireland, and had robbed the landlords, as they would believe, of a good deal of their property, you could not but expect that they would cast about to see how they might recover from the position in which you have placed them. Many would grant the leases, but he believed that many more would buy out their tenants, because this would naturally come to every man's mind—"Land is in demand; agricultural produce is high; the land will easily let now; the rate of interest is low; we can borrow on favourable terms. Is it wise to wait until a time of agricultural depression comes, and money is high? Undoubted ruin must come upon the landlord under such a state of things." He had said it was unwise to introduce disturbance as contradistinguished from eviction. Were there not many cases where a man could not pay his rent where it would be more cruel to evict than in many other cases of what they called disturbance. Take, for instance, a tenant whose capital was not large. Suppose severe illness came in his family, and incapacitated him from labour —suppose blight came upon his crops—suppose murrain came upon his cattle. There were three cases which came not by the act, the carelessness, or the neglect of the unfortunate tenant, but by the act of a Power which none could avoid. Would it not be more cruel and unjust to evict a man under such circumstances than under many others which constantly occur? Take the case of disturbance. Suppose a man was negligent in the cultivation of his land, and wasted the whole estate in his care. Was it just to call that disturbance if such a man was put out as the result of his own act? Take a tenant who acted in defiance of every law of God and man. Was a landlord to be punished for getting rid of such a fellow? Suppose a man was engaged in illicit distillation—was a landlord to be compelled to have that man as his tenant, and breaking the law? He would not trouble the House by asking whether a landlord was to go into the question of a man poisoning hounds or foxes, though some people might think that a wider question than one which came from an ecclesiastical mouth as to the "tumbling" of landlords. These, and many other instances, reminded a man that when a case was carried into court, there might be circumstances in which eviction would be perfectly justified, while in the case of non-payment of rent it might be attended with the greatest possible cruelty. He said that the policy of the Government was founded upon injustice, and that in many cases they had called that a disturbance where, in his opinion, it would be probably just and right that there should be such disturbance. But look at the case with which the Prime Minister wound up his eloquent speech. What was it he stated he hoped to get by this Bill? He hoped to encourage a greater number of resident landlords in Ireland; and in eloquent language he pointed out all the various duties he hoped they would discharge. But in what position did the Bill leave the landlord who did take up his residence in Ireland? The right hon. Gentleman declaimed against fixity of tenure, but he left the landlord in such a position that his tenants about him might be doing every act which they ought not to do, and yet the law would leave him no power of interference. They placed upon him the responsibility of their being his tenants; they wished him to live among them, to discharge all the duties, and to exercise all the beneficial influence of a landlord, and yet they forbad him, under a penalty that in many cases might be ruinous, from getting rid of any tenant who might commit acts repugnant both to God and man. In this respect he said the Bill was a delusion and that it would only land them in a parcel of litigation. As to the provisions relating to purchase—for lending money to those who were willing to buy from those who were willing to sell—all he could say was that he did not think it would be just to run the risk of losing the money of the people of the United Kingdom unless they extended the same system to Scotland and to England. He did not see on what ground they could lend people money to buy land in Ireland which would not equally apply to land in England. He doubted very much whether the provision would be operative; and he doubted very much whether its operation would be for the benefit of the people desiring to take advantage of it. He might take this opportunity of stating that the hon. Member for Dublin was kind enough on Friday night to give him the information, which he had been anxious to obtain from the Prime Minister, as to a project of this very matter which was in contemplation some years ago in Ireland; and the hon. Member told him that the scheme for purchasing estates fell dead and never could be floated. The failure of that attempt certainly did not look very promising for the scheme of the Government. His (Mr. Henley's) belief was that every clause in this Bill must lead to great litigation when they saw the very wide saving clauses that were inserted, and especially that expanding clause under which no one could tell who might be the predecessor of anybody; one might go back almost to a time before Christianity—for he supposed there must have been occupiers of the land then; and it put him in mind of the title to possession which was set up by the New Zealander, who said that no doubt he had the best title, because he had eaten up the man who was there before him. He believed that the title of the Bill was also a mistake. It ought to be called "a Bill to promote litigation among Her Majesty's subjects in Ireland, and to effect, within a time to be limited, the utter extinction of all the small holders." That was his view of the Bill, according to the best opinion which he had been able to form; he hoped he might be mistaken, but it was one which he had given in all sincerity to the House. The hon. Member for Cork (Mr. Maguire) said he hoped we should pass a wise Bill. He (Mr. Henley) hoped that before it left that House the Bill would have been put into such a shape that it would be also a just one.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he rose to support the second reading of the Bill, and he thought that a brief examination of the present state of the law of landlord and tenant in Ireland, of the evils caused by that state of the law, and of the remedies proposed by the Bill, would amply justify the course which the Government had taken. Now, it was sometimes supposed by persons who were not lawyers—and he was sorry to say it was sometimes supposed by persons who were lawyers, and therefore ought to know better—that the common law of England and Ireland was the same. No doubt, as a naked proposition, this statement was true; but the auditory to whom this statement was made would be misled unless that proposition were qualified by bearing in mind that the common law of Ireland had been altered by statutes which did not apply to England; and also by bearing in mind—what was hardly ever remembered—that the common law of England, when transferred to Ireland, was transferred rather in its letter than in its spirit. The hon. Member for South Norfolk (Mr. Read) had stated that lawyers differed on this point. It would be very difficult to find any point on which lawyers did not differ; and therefore, lest he might be supposed to be putting his own authority against that of his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball), he would refer to a text-book of some authority, Mr. Finlason's book *On Tenures*. Any hon. Gentleman who wished for accuracy—and all hon. Gentlemen were supposed to wish for accuracy—would find this statement at page 3—

> "Tenant-right is recognized by our law; inheritable tenancy was one of our earliest institutions, and remains to this present time; and the evils of Ireland, so far as they relate to the tenure of land, have arisen, not from the application of English law, but because it has not been applied and carried out in Ireland.

The book then goes on to say in substance—

> "Though these inheritable tenancies became obsolete, and were succeeded by yearly tenants, which arose out of tenancies-at-will, yet these tenancies in England were controlled by custom established upon the tradition of the ancient law, whereas in Ireland the very opposite was the case. The old Roman maxim, '*Quicquid plantatur solo cedit solo,*' was applied without the condition that the Roman law applied to it, that the landlord should pay for the improvements made by his tenant if he deprived him of them."

That short statement, taken from the work of an eminent English lawyer, justified him in asserting that the common law of England was applied to Ireland rather in the letter than in the spirit. Now he did not blame the English people, English institutions, or English Judges for that result. The application of the common law of England ought to have been made by the Irish people themselves, and if the common law in Ireland fell short in its breadth of spirit and its honesty of purpose, as unquestionably it did, the fault lay with Irish Judges and with the Irish people. The English gave to the Irish good institutions, and it was the fault of the Anglo-Irish that they were not turned to the best account. It was frequently forgotten, too, that the common law of Ireland had been altered by statute. Now, as everyone knew, Ireland, in former days, had a Parliament of her own; and some hon. Members of the House—and notably one Gentleman who had spoken in the present debate—seemed anxious that the Irish Parliament should be revived; but, for his own part, he (the Solicitor General) hoped that aspiration never would be carried out. He was content that Ireland should be legislated for by the Parliament of the United Kingdom. He was persuaded that Irish Gentlemen sitting in St. Stephen's derived benefit from the atmosphere of the place, and he hoped that English and Scotch Gentlemen were not in any way contaminated by their presence. The Irish Parliament passed a number of statutes relating to the tenure of land, and he believed he was right in asserting that these were all in favour of the landlord and against the tenant. During the whole reign of George III.—a long reign, as they were all aware—only five statutes were passed in England regulating the condition of landlord and tenant, while no less than sixty were passed in the same period by the Irish Parliament, all modifying the law as regarded the landlord, and making it more stringent as regarded the tenant. His hon. Friend the Attorney General (Sir Robert Collier), therefore, was perfectly right in stating that there was a substantial difference between the law of England and Ireland as far as the law of landlord and tenant was concerned; and by the Bill they were not creating or widening any breach between the law of England and Ireland, but were bringing the law of Ireland into harmony with justice, and in that respect making it more consistent with the law of England. His present intention was to do no more than to draw attention to the question—What was the state of the law of landlord and tenant in Ireland so far as related to tenants from year to year? That relation was known under the popular designation in Ireland of a tenancy-at-will. The whole history of Ireland was summed up in that term—"tenancy-at-will." It meant a mere tenancy that could be terminated by the will of the man who put the tenant into possession—a tenancy at the will of the landlord—terminable at the end of each year. How did the tenants stand under such a tenancy in Ireland? The tenant in possession of land, under a contract known in law as a tenancy from year to year, could be served with a notice to quit once every year. He could also be made a defendant in an action of ejectment for non-payment of rent. By a statute passed in 1860, the provisions of the old statutes were repealed, which declared that no action of ejectment for non-payment of rent should be brought in the superior courts unless the contract was evidenced by a note or memorandum in writing. The law now is that an action of ejectment can be brought in any court, superior or inferior, on a parole contract of tenancy, and in an inferior court if the rent does not exceed £100 a year. The position of the tenant from year to year was, therefore, such that his tenancy might be determined once a year; he might have a notice to quit served on him once a year, and he could be evicted for non-payment of rent without compensation for any improvements he had made, or any money he had laid out on or paid for the land. He asked hon. Members, was that a proper state of the law? They were all agreed it was not. ["No, no!"] Well, if they were not agreed, they ought to be; and he thought it highly probable that the result of this discussion, followed by a division, that division followed by other divisions, and by an Act of Parliament, would be that the hon. Member who cried "No, no!" would cry "No" to no effect, and might as well have said "Yes." Such, then, was the condition of the law in Ireland. No doubt there were some modifications—no doubt there was something to be found that lessened the grievance that otherwise would be felt in such a state of the law. The modifications were to be found in the tenant-right customs that existed in Ulster and in some other parts of Ireland. But there was one great blot with respect to these tenant-right customs—they were only binding in a court of morals, not in a court of law. He was willing to concede that the large majority of landlords in Ulster freely and fairly administered the moral law. He was not there to bring a Bill of indictment against the Irish landlords as a class, or against the Ulster landlords as a class. There sat on the opposite Benches honourable and high-minded Gentlemen who discharged their duty not only to their constituents, but to their tenants, in an honest, just, and fair spirit. He believed, however, that the state of the law was unsatisfactory, and for this reason—no man ought to be left at the mercy of his neighbour, no matter how just that neighbour might be. The law, as they were taught, was a terror to evil-doers, but a praise to those who do well; and he could not, for the life of him, conceive how any Irish gentleman or landlord could object to fortify by law what he was willing to allow in conscience. At this moment, however, the Irish tenant was in a hopeless and, to a great extent, a helpless condition, because he was dependent on the kindly consideration of his landlord. The feeling of insecurity existed not only in Ulster, but in other parts of Ireland. He would give two illustrations of this, one being taken from the Province of Connaught, and the other from the Province of Ulster. There was a famous case, "O'Fay *v.* Burke," which had become a leading case in the law of the land. It came before the predecessor of the late Master of the Rolls in Ireland. He should say the learned Judge before whom it was heard was not brought up in the school of Irish agitation—he was a gentleman, a Tory by politics, but a just and law-loving man. At all events, though a Tory in politics, he was a just and honourable man, who administered justice tempered, as far as the law allowed him, with equitable considerations. In the case of "O'Fay *v.* Burke," the landlord sought to confiscate all the improvements of the tenant, which no landlord would be able to do if this Bill passed, but which all landlords, if not restrained by feelings of conscience and justice, could do, if not restrained by law. The tenant who had built a house worth £1,500 was told by his landlord he might remove it brick by brick—but he did not avail himself of that kind offer. But what said the Master of the Rolls in the case referred to. He said—

> "Nothing can be more repugnant to the principles of natural justice than that a landlord should look on a great expenditure carried on by a tenant from year to year without warning the tenant of his intention to turn him out of possession. The offer to allow him to remove the buildings was a mockery. I have no jurisdiction to administer equity in the natural sense of that term, or I should have no difficulty in making a decree against the defendant. I am forced to administer an artificial system established by the decision of eminent Judges, such as Lord Eldon and Sir William Grant, and being so bound I regret that I must administer injustice in this case, and dismiss the petition, but I shall dismiss it without costs. I should be very glad for the sake of justice that my decision should be reversed by the Court of Appeal."

Should such a state of things continue, or should this great and beneficent measure become the law of the land? What said another great Judge who sat in the Court of Appeal? He need only mention his name—Lord Chancellor Napier —consistent as a politician, eminent as a Judge, and strictly conscientious as a man. What did he say?—

> "I think I am not overstepping my duty in suggesting to the respondent that under all the circumstances of the case he will best maintain the character and honour of a British officer, satisfy the exigencies of justice, and uphold the rights of property by making such an arrangement with Dr. O'Fay as to the possession of this farm as may leave him the full benefit of an expenditure made in good faith, and with the reasonable expectation of having the full benefit of it sufficiently secured by an undisturbed possession."

He (the Solicitor General) could refer to numerous letters which he had received from Ulster on this subject. He would only refer to the last received, and it was by no means the strongest. He received this letter from a tenant-farmer in the county of Armagh. At the request of the writer he would not mention his name—

> "About the year 1844 my father bought a farm of land and paid £200 for it. He gave it to my brother, who died. At his death I got it. The landlord took the farm, on which my brother expended £1,500 in buildings and drainage. He allowed me to hold the buildings and an acre of gardens, and he never paid me one penny for the remainder. He says it was bought without his consent or knowledge. This is true, but it was bought with the consent of the agent, and the money paid in his office. —— was an absentee; he knew nothing of it. He is now selling the grass of the improved land at £7 per acre yearly. I could get nothing from him, and I dare not go to law for fear he would take all the other land I held under him. On ——'s death the estate went into Chancery. The agent let me some spent moss to reclaim at 5*s.* per acre rent. I had it two years, when —— came of age, and raised the rent to 20*s.* per acre. My rent was raised 50 per cent on the whole farm; the other tenants were raised, too. But this is not all. The tenants held a meeting to protest against the rise. I was made chairman, and for my chairmanship I got a letter to say that my rent was raised 15 per cent in addition to the original 50 per cent, and I also got a notice to quit."

He (the Solicitor Genreal) must say that the office of chairman had not proved a lucrative appointment—

> "This is no got up case. I am prepared to prove it. You may state it for fact, only don't mention names, as instead of getting me rooted in you will get me rooted out of the soil."

He took these cases as illustrations, but he did not mean to say that these were every-day occurrences in Ireland, for there were landlords in Ulster who were no more capable of such conduct as this landlord in Armagh—who would rather cut off their right arms — and this irrespective of religion and politics. However, the fact that such a thing could occur was not to be overlooked by the House in legislating on this important question. He therefore thought he was correct in saying that great evils were caused by the present state of the law. Under such a condition of things the tenant did not improve, except in those parts where he remained under the custom of tenant-right. The condition of the Irish tenant was therefore altogether different from that of the English tenant. In the large majority of instances improvements in Ireland were the work of the tenant; in England they were made by the landlord. When English gentlemen spoke of farms they meant farms in the highest state of cultivation, where everything was prepared for the tenant before he took possession; but he could refer them to estates in Ireland where years ago the soil which was now blooming like the rose was nothing but a desert, and where the rent had been increased twenty-fold by the industry of generations of Irish tenants. Therefore, the considerations which would affect English tenants could not be applied to legislation for tenants in Ireland. It was this difference in the circumstances of Ireland that all these things led to agrarian crime. He did not for a moment palliate the crimes that had reddened the soil of Ireland. As an Irishman he regretted their existence, as did everyone with the feelings of a man and a Christian. But they must look below the surface to discover the cause of these crimes. He did not justify the conduct of any man who committed these crimes, no matter what he had suffered; but he must recognize, and the House must recognize, the fact that what made it so difficult to put an end to these crimes, to track the assassin to his haunt, expose him to the face of his fellow-men, and to bring him to justice was the sympathy felt for the criminal and not for the victim. And why did that feeling exist? It was not because the Irish were less kindly or humane than other people, but because they thought — whether rightly or wrongly — that the law was not their friend, and that the present state of the land laws in Ireland justified the assassin, or, at any rate, mitigated his crime. Therefore, they were now in the position in Ireland of having laws which they could not enforce; and until they introduced a different condition of things, the reflection of the Latin poet would continue applicable—

> —— "Quid leges sine moribus
> Vanæ proficiunt."

There was another matter he ought to refer to, and that was emigration. He would not now discuss the question whether emigration was an evil or a good — there were grounds for both views; but what they must all desire was that the emigrants should not leave the country with a spirit of rancorous hostility to it. He believed, from what he had heard, that that feeling existed not only in the hearts of the Catholic Celts who emigrated, but was also entertained by the sturdy Presbyterians who left Ulster, many of whom in 1812 strengthened the army of the Americans in the contest with England. They should bear in mind that the fatal day might come when the tocsin of war would sound and the forces of England and America might be found contending ["No!"] against each other—he prayed to God that that day might never come! —but, at any rate, the Parliament of this country ought, by judicious legislation, to do all in its power to put an end to those bitter feelings which tended to strengthen the hands of the enemies of this country. What, then, were the remedies for the present state of things? He must have made a mistake if he fancied for a moment that the "No!" uttered by an hon. Member on the other side of the House was expressive of the sentiments of Gentlemen opposite; because it was admitted that they were all agreed that the time for legislation had come, and the only question was as to the mode and extent. If that was so, what was to be done? Was it to be such legislation as that dimly shadowed forth by the hon. Member for Kilkenny (Mr. Bryan), who moved that the Bill be read a second time that day six months? He (the Solicitor General) listened to the whole of his speech, and he must say that he got as much information from it as could be obtained from the gentleman of antiquity who had an antipathy for Dr. Fell. He did not like him, but why he could not tell. His hon. and gallant Friend the Member for Tipperary (Captain White) was not more explicit, and only succeeded in giving an *alias* to their old friend "fixity of tenure," which he called "security of tenure." But whatever it was, the House would not be asked by Her Majesty's Government—whatever might be done by any other Government that Her Majesty might subsequently possess — to sanction any Bill laying down the principle of fixity of tenure. The principles of the measure of the Government appeared plainly on the face of the Bill. A careful perusal would show that they were just and fair. There might be modifications to be made in Committee; but in its broad and substantial principles, he thought it a Bill which would remedy the evils of which the Irish tenant justly complained. It legalized the Ulster custom in Ulster, and other customs elsewhere in Ireland. It had been complained that the Ulster custom was not defined or amended by the Bill; but the Bill did not profess to do one or the other. And justly so—because the Ulster custom varied in different districts. He held in his hand a book, prepared for Sir Joseph Napier, in 1852, by two eminent members of the Irish Bar, and it contained no less than nine definitions of tenant-right. Again, Lord Erne, in stating what the custom was on his estate, said he thought that, as far as possible, every tenant on that estate might call his farm his castle as long as he acted honestly, justly, and industriously, and should he leave he was allowed to sell his farm if he pleased his landlord in a tenant. His Lordship added that consequently if a tenant on his estate laid out his money judiciously he was certain to receive back his money should he wish to go elsewhere. Having regard to the various definitions of Ulster custom, and to the fact that the Ulster tenant-right varied in different counties, and even on different estates in the same county, he thought the Government were quite free from blame because they had not attempted in this Bill any definition of the Ulster tenant-right. He held also that no blame was attributable to them for not having created any custom. That was not the principle of the Bill. The 1st clause might not, perhaps, be worded in a way to command the approval of every hon. Gentleman in that House; but that was mere matter of detail. He believed, as a lawyer, that the 1st clause of the Bill meant this—that where the custom of Ulster existed, and was capable of proof, it should receive the sanction and have the force of law. But it had been said that the custom ought to be defined so far as to give the tenant the right to sell his interest in the land. The answer he had to give to that was easy—By the common law of England and the common law of Ireland every tenant from year to year had an estate in the land, and had a perfect right to sell that estate. The right was further practically defined by statute, which said that the tenant's estate in the land must be assigned by deed, and that it might be devised and bequeathed. It is true that if the landlord did not approve of the incoming tenant he gave that tenant notice to quit, which notice fell upon the assignee, and not upon the original tenant. Therefore, to give in this Bill a right to the tenant to sell his holding would be to give him that which by law he possessed already. He passed over the 2nd clause, which was substantially the same with the first. It said that where there was any custom or usage in any part of Ireland which was capable of being proved, it also should have the sanction and force of law in the same manner as the custom of Ulster. He was sorry to hear an observation made by the hon. and gallant Member for Tipperary (Captain White) who introduced the religious argument into this question, and said that the Ulster tenants were favoured because they were Protestants. He (the Solicitor General) thought he need not assure the House that no such idea entered into the minds of the framers of this Bill. But the facts themselves did not bear out his hon. Friend's observations. He had looked into the statistics of this question, and had found that in 1866—the last year for which the Returns were perfect—there were 608,854 holdings in Ireland under a rent of £4; and of these, Ulster had 221,926, or 55,000 more than any other Province. Now, the House knows that the lower class of holdings were generally held by the Roman Catholic population. Besides, he found that the Roman Catholics were in a majority even in Ulster; for the Protestants numbered 947,000, while the Roman Catholics numbered 966,000; so that his hon. Friend's argument failed in facts as well as in good sense and good feeling. The real strength of the Bill was to be found in the 3rd clause. That clause provided for those tenants whose holdings did not come under the 1st and 2nd clauses, and it provided that if the tenant was disturbed in his occupancy, the tenant should have compensation for the disturbance. That clause was very fairly and ably argued by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), but he failed to catch the bearing of the clause. The right hon. Gentleman argued as if, for holdings under £10, compensation to the full amount of seven years' rent would in all cases be given. But it was not probable that the Judge would often, except in a bad case, give the highest scale of compensation. He might give only one year, or only half-a-year's rent. The maximum was fixed; and the House would observe that under this compensation was included not only the disturbance of occupation, but all improvements, except for permanent buildings and reclamation of land. The right hon. Member for Oxfordshire argued that this compensation would have to be paid even to those tenants who burned foxes' lairs or covers. Well, he (the Solicitor General) did not approve of such conduct, for he thought that foxes had as much right to live and to be hunted as any other animal. But the right hon. Gentleman seemed to have forgotten the 14th clause, which provided that when landlord and tenant came into court the Judge might take into consideration all the objections and complaints that might be made on either side, and give his judgment according to his view of all the circumstances of the case. The claims under the 3rd clause included all improvements except those for buildings and reclamations of waste land. Now, he (the Solicitor General) believed with a good honest Judge they might leave the landlord and tenant fairly in his hands, and that he would fairly and conscientiously administer the equities which for the first time were now imported into the law of landlord and tenant. The County Court Judges were men of honour, were fully acquainted with the law, and were utterly uninfluenced by politics, and under the Bill there would be an appeal from them to the courts of assize, and even higher still, in the event of any point being reserved for the opinion of the courts above. The right hon. and learned Member for the University of Dublin (Dr. Ball) had made some objections to the latter part of the clause—that portion of it which says that—

> "Any contract made by a tenant by virtue of which he is deprived of his right to make any claim which he would otherwise be entitled to make under this section shall, so far as relates to such claim, be void."

The right hon. and learned Gentleman said that this was an interference with contracts. No doubt it was. Hon. Gentlemen opposite talked of freedom of contracts as if they had always been devoted to the principles which have made contracts as well as nations free; but from his knowledge of Ireland and of human nature in that country—and it was no bad place for studying it—he could only say that the 3rd clause would not be worth the paper on which it was written unless it was clogged with that condition. The right hon. and learned Gentleman had said that that House should not legislate for posterity in a panic—that they had deprived Ireland of its Church, and that now they were going to deprive her of —what?—her poor tenants. All he (the Solicitor General) could say was, that if Ireland was to be legislated for on the principles that he had heard enunciated in the course of that debate the Union between that country and England would not long continue. He now came to deal with Clause 4 in the Bill, which gave compensation for improvements. That clause enacted that—

> "Any tenant of a holding who is not entitled to compensation under sections one and two of this Act, or either of such sections, and is not entitled, or if entitled has not obtained compensation under section three of this Act, may claim compensation to be paid by the landlord under this section in respect of all improvements on his holding made by him or his predecessors in title."

Improvements were defined by the 66th section to be as follows:—

> "The term 'improvements' shall mean in relation to a holding—(1) any work which being executed adds to the letting value of the holding on which it is executed, and is suitable to such holding; also (2) tillages, manures, fallows, or otherlike farming works, the benefit of which is unexhausted at the time of the tenant quitting his holding."

The clause then went on to state—

> "A tenant shall not be entitled to any compensation in respect of any of the improvements following, that is to say—(*a*) in respect of any improvement made twenty years before the passing of this Act, except permanent buildings and reclamation of land; (*b*) in respect of any improvement prohibited in writing by the landlord as being and appearing to the Court to be calculated to diminish the general value of the landlord's estate, and made within two years after the passing of this Act or made during the unexpired residue of a lease granted before the passing of this Act; (*c*) in respect of any improvement made either before or after the passing of this Act in pursuance of a contract entered into for valuable consideration; or (*d*) (subject to the rule in this section mentioned as to contracts) in respect of any improvement made, either before or after the passing of this Act, in contravention of a contract in writing not to make such improvement; (*e*) in respect of any improvements made either before or after the passing of this Act, which the landlord has undertaken to make, except in cases where the landlord has failed to perform his undertaking within a reasonable time."

The hon. Member for South Norfolk (Mr. Read) had said, that with regard to permanent buildings and the reclamation of waste lands, there should be some limit in point of time; and the hon. Member for Carlow (Mr. Kavanagh) had spoken of this clause as though the landlords were to be obliged to pay for buildings in a state of picturesque decay, on the ground that they were permanent improvements. But if they looked to the clause they would find all difficulties in that respect got rid of; the landlord was only to pay for them in the event that he disturbed the tenant; and even then their value and all surrounding circumstances were to be arranged, if not by mutual agreement between the landlord and tenant, or by arbitration, by a court of law. The clause stated that—

> "The Court, in awarding compensation to such tenant in respect of such improvement, shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held, and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made."

Could anything be more fair than that provision? Would it not be a monstrously unjust thing that because a house was twenty-two or twenty-three years old, or was not in decay, the landlord should turn the tenant out, and that the tenant should get the entire benefit? No. Let the Judge say how much was to be taken off in consideration of the time the tenant had enjoyed it. Then came the restrospective clause, without which the Bill would remain a dead letter, and which must recommend itself to every honest and fair dealing man. Clause 6 was in respect of payments to incoming tenants. It was clear that the opponents of the Bill did not understand this claim at all, or they would not have heard such speeches as they had heard the previous evening from the Mover of the Amendment, because it merely transferred to the incoming tenant the right to compensation that the outgoing tenant would have had as against his landlord. Clause 7 made over to the outgoing tenant the right to the away-going crops, to which he was not now entitled. The next clause to which he would refer was Clause 16, which empowered the landlord to grant a lease of thirty-one years on such terms as the Court should think fit, in lieu of compensation to the tenant—the hon. Member for Dublin City had said that this was equivalent to thirty-one years' notice to quit; but the hon. Member himself had, in the language of the Psalmist, a seventy years' notice to quit. Again, they were told that the landlords would be rushing all over the country offering such leases to the tenants; if they did, it would gladden the hearts of a great many people. If the landlords would form themselves into a steady lease-giving phalanx, and offer such leases upon such terms as may be approved of by the court, there would be a new era in Ireland. There would be no injustice in this. The tenant would get his thirty-one years' lease upon terms fixed by the court, and if he could not enjoy agricultural prosperity under such a tenure he would never be likely to succeed with fixity or any other system of tenure. He had been told by the hon. Member for Clonmel (Mr. Bagwell) that the Bill would lead to litigation, and that a friend of his intended to keep an attorney. Now, if he (the Solicitor General) might form an opinion on the subject, he should say that his litigious Friend kept an attorney already. This was not a litigious Bill. He had some knowledge of the courts and of the country, and he must say that he believed the Civil Bill Courts as cheap, as inexpensive, and as satisfactory courts as any in Her Majesty's dominions. The great complaint made against them was that they were too cheap; but that complaint was made by the lawyers, and not by the general public. Then, again, he would ask what was this court of appeal which it was proposed to establish? At present appeals were heard in the Civil Bills Court; but by a wise provision of this Bill, which he could not too much admire, two Judges would sit together to hear land cases; very often they would go on circuit together, and, as it was not unusual to find men of different temperaments in company, it was probable the tendencies of each would counteract the extreme views of the other. He contemplated seeing this tribunal sitting in the assize town of the locality in which the questions in dispute arose—which would be a great gain—and acting as Judges and jurors, unaffected by local prejudices, to which ordinary juries might not be superior, they would decide the case after the pleading of a counsel going circuit, or an astute and honest attorney—for such things as honest attorneys were to be found. It was a cheap tribunal. Of course, no one need resort to it unless he liked, and landlords should remember that it always took two to make a quarrel. Arbitration, provided for under the 21st clause, he trusted, would be more often appealed to; but, still, if parties were obliged to go to law to settle their disputes they could not have a cheaper, more expeditious, and more trustworthy process. As for the compensation for ejectment, he heard one hon. Member complain of it as too small, and another that it was too high; and when he heard this, being a moderate man, he immediately came to the conclusion that the proposal must be about right. *In medio tutissimus ibis.* The only other portion of the Bill to which he thought it necessary to refer was the portion which dealt with the sale of land to tenants. He thought the Bill had great merits in this respect. True some people affirmed that their effect would be in a few years to put the whole of Ireland into the hands of the peasantry, which would be deplorable; while others said that peasant proprietors, being the backbone of the nation, ought to be encouraged. That being so, seeing that differences of opinion existed with respect to the matter, he came to the conclusion that peasant proprietors were neither an unmixed good nor an unmixed evil, but that, at all events, the system ought to be tried. That being the case, he held that this Bill offered a proper, fair, and just machinery for the trial. The hon. Member for Dublin (Mr. Pim) asked whether the Bill gave a Parliamentary title. If the Bill did not give a Parliamentary title, he (the Solicitor General) could not understand what a Parliamentary title was; perhaps the hon. Member thought the title conferred by the Landed Estates Act was a Parliamentary title; if he did so he would find Clause 32 of this Bill gave an equally good title, for it gave the tenant an estate in fee-simple free from encumbrances; and under the machinery provided, if the landlord were willing to sell and the tenant to buy, the money would be found for him. The experiment of creating tenant-proprietors was, in his opinion, an experiment well worthy of being tried in Ireland, and this Bill would provide the opportunity of doing so. One point in the experiment should commend itself to hon. Members opposite; the tenant would have to pay the landlord for his estate, a condition not contemplated by some of those who desired "to root the tenant to the soil." There were other matters in the Bill to which he need not particularly advert. With respect to the prohibition on the notice to quit, he thought it a wise provision. In the course of this debate it had been said that injury would be done to persons who had purchased under the Landed Estates Act. In reply to that he said that there was no reason why a purchaser under that Act should be placed in any other position than that occupied by an Irish proprietor under fee-simple who did not buy his land under that Act; for what did he buy in the Landed Estates Court? He bought the reversion of a tenancy from year to year; he calculated the amount of the rent that the tenant paid, he estimated the price on the basis of that rent, and made the purchase accordingly. If he were wrong in the presumption, and if the purchaser in the Landed Estates Court, besides inquiring as to the rent, had inspected the property and said to himself—"This tenant has made many improvements, and though, in point of equity and common honesty, they are his, the law shall make them mine," then he did not think the House would willingly support him in his object. The former view of the case was the just one, and it was in the spirit of justice that the Government dealt with the question. He had one other point to speak on, and that was an important matter. Many hon. Members had said to him that the Bill would work hardly on the tenant if it were permitted that his landlord could eject him for non-payment of rent without compensation for improvements on the sliding scale. They had pointed out to him that the owing of one year's rent would subject the tenant to the possible hardship of losing perhaps seven years' compensation. That appeared, at first sight, to be a grievance; but on mentioning it to a friend, not a Member of the House, in conversation, his friend replied—"If a tenant will not pay his rent and declines to improve his land, what hardship would there be in turning him out?" But there was another point in this matter which more nearly resembled a hardship, and it was this—in many parts of Ireland there existed what was called "a hanging gale," or a half-year's rent aways due and unpaid. Now if, on the 2nd of May, the tenant was not ready with his half-year's rent, due on that day, the landlord would then be in a position to evict, for one year's rent would be then due. That had the appearance of being a real hardship; but here the Judge would step in, and if the tenant showed he honestly desired to pay the back rent, that half-year's rent would not be deemed sufficient to evict him. In conclusion, the Bill would be found to deal with all these matters in a generous spirit; when a semblance of harshness appeared in one clause, it disappeared in the next. It gave to the Ulster custom the sanction of law; it reversed the old principle of law which gave improvements to the landlord; it compensated loss for disturbances, which had never before been compensated by any Bill ever brought into the House; and, finally, it gave compensation for improvements. In the language of an old friend of his, a stanch supporter of the farmers of Ulster, although the Bill was necessarily complicated, he thanked God he had lived to see such a measure in a fair way to pass into law. He asked Irish Members who contemplated voting against the Bill to pause before they took such a course; he asked the Mover of the Amendment and his supporters to pause and consider what they were doing—to recollect that this landlord and tenant question, like all other questions, had two sides to it—a side dealing with the occupier and a side dealing with the owner of the land; and asked them to recollect the language used the other day—that Ireland was always strong when she was just, but always weak when her claims were not founded on truth. He trusted they would approach the case in the spirit of Judges rather than that of advocates, and if they did so they might be sure of this—that they would discharge their duty to their constituents in a manner worthy of the representatives of a free people, and would earn the gratitude not only of Ireland, but of the Empire.

Colonel WILSON-PATTEN moved that the debate be now adjourned.

Debate *further adjourned* till *Thursday.*

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

MR. STANSFELD moved the Supplementary Estimate of £174,687 for the Civil Service, in addition to the sums already provided in the Estimates presented in the Session of 1869.

Motion made, and Question proposed,

> "That a Supplementary sum, not exceeding £174,687, be granted to Her Majesty, for the following Civil Services, which will come in course of payment during the year ending on the 31st day of March 1870: viz.
>
> [Then the several services are set forth.]

MR. SCLATER-BOOTH expressed an opinion that in the case of Supplementary Estimates it would be far better to have the various items put separately from the Chair, instead of lumping them altogether in one sum. He should not, however, make any objection on that score, his object in rising being to ask his right hon. Friend to give some explanation concerning the sum of £5,000 asked for in respect of Harwich Harbour? His impression was, that all the sums voted for that harbour had long ago been spent. The Commissioners did, indeed, apply for a further grant, but it was refused, on the ground that there was no probability that the sum asked for would be sufficient to complete the works. He wished, therefore, to inquire whether this £5,000 would be the final Vote; and whether it was intended to prosecute the works to completion, so that the harbour might be rendered really useful?

MR. STANSFELD replied that the expenditure on Harwich Harbour had not been altogether satisfactory. The Treasury had come to the best decision they could under the circumstances. The Commissioners had represented to the Treasury that it was desirable they should be enabled to conclude their arrangements with the present contractors, and in consequence it was now proposed to take this Vote of £5,000.

MR. ALDERMAN LUSK said, it seemed impossible ever to have any Estimates without a series of supplements and appendixes to them afterwards. A fair sum was given for the Estimates last year, and yet more was asked for now to supplement them. He should like an explanation of some of the items of the Vote, and especially of the item for law charges, that of £500 for quarantine expenses, and that of £25,000 for tonnage bounties for African slave-traders. Then there was another large sum asked in respect of the entertainment of distinguished persons on board Her Majesty's ships. For example, there was an item of £393 14*s*. 1*d*. for the conveyance of the Prince of Wales, Prince Christian, and other distinguished persons between Dover and Calais. In his judgment it did not tend to the credit of Parliament to have inserted in the Estimates items like these, which gave occasion for scandal. He should also like to hear some explanation of the item of £8,342 for defraying expenses incurred in connection with the Paris Exhibition of 1867. He thought that quite enough money had been already voted for the Paris Exhibition, especially considering that that Exhibition was opened three years ago.

Mr. RYLANDS said, he thought it was most inconvenient to bring forward these Supplementary Estimates in one lump sum. He wished in particular to direct the attention of the Committee to the items in Class V. which had reference to Consular Services. He objected to the increase of expenditure shown by some of the items in these Estimates. For instance, last year £2,706 was voted on account of Legation guards, and this Estimate included an additional item of £3,300, making a total expenditure of £6,000 for the protection of representatives in China and Japan. When it was necessary to spend such large sums of money for the protection of our representatives in any country, it was questionable whether it was desirable to have them there at all; and in the case of China it appeared to have been the opinion of the English merchants in the China trade that we should have done better in the matter of the Convention if we had been without a representative at Pekin. The next item was £2,500 for outfits and travelling, and as this was additional to an item of equal amount already voted, the Committee ought to have some information. For incidental expenses a lump sum of £5,000 was voted last year, and the Committee was now asked for an additional £5,500, making a total of £10,500 for a class of expenses the accounts of which he had reason to believe, from evidence given before the Public Accounts Committee, were inefficiently audited. There were a number of items such as he should be glad to see disappear from the Estimates. For instance, there was "Compensation to two Arabs for hoisting the British flag on the Kooria Mooria Islands, £52,"—islands which would probably be of no advantage to us. Then there was £394 for engraving five seals for the British Possessions in North America—a charge which clearly ought to have been borne by British North America. Again, there was £296 for fees on the admission of Prince Arthur to the Order of the Thistle; then came £552 for fees on the installation of Prince Leopold as Knight of the Garter; and, lastly, there was the large sum of £2,146 for expenses incurred by the Commissioners of Public Works, Ireland, in connection with the installation of the Prince of Wales at St. Patrick's Cathedral. He should be glad to hear that this was the last time that items of this description would appear in the Estimates.

Mr. STANSFELD said, it was a misapprehension to suppose that these Supplementary Estimates involved any real increase in the expenditure of the current year. If there were any new items of expenditure that were not provided for in the original Estimates, instead of the Treasury sanctioning that expenditure, it was the duty of the Treasury to apply to Parliament to vote it; but these Estimates had no bearing upon the total expenditure of the year—that depended upon the saving upon some Votes and the excess upon others. He had no reason at all to suppose that these Supplementary Estimates implied any excess in the expenditure of the year; on the contrary, he believed the expenditure of the year would be below the Estimates. The £500 for quarantine expenses was for fitting up the *Edgar*, which had been stationed on the Motherbank. The addition of £3,000 to the law charges was largely caused by the Edmunds' case, and about £1,200 was for arbitrations that could not be foreseen and provided for. The tonnage bounties were payable under an Act of Parliament, but the Government were not satisfied with the expenditure under that Act, and the question of the bounties had been referred to a Departmental Committee.

With respect to the Consular Services, it was not desirable to enter into detailed explanations, because the whole matter had been referred to a Select Committee. These Estimates completed the information which it was necessary for the Committee to have, and he trusted that its inquiries would result in a reduction of expenditure.

MR. BENTINCK asked for an explanation of the late appearance of an item relating to the Paris Exhibition which surely could have been provided for last year?

MR. STANSFELD said, the delay was apparent rather than real, because this item and the other miscellaneous charges were really repayments to the Civil Contingencies Fund for advances made during the year ended the 31st of December, 1869.

MR. KINNAIRD said, no explanation had been given about the items for fees for the installation of Knights of the Thistle and of the Garter. Either these decorations were given for merit and distinction, or they were not; if they were not, then they ought not to appear in the Estimates; if they were, the expenses ought not to be charged upon the individual receiving the honour. It seemed to him perfectly monstrous that when a man was decorated with the Garter he was fined £1,500. [Mr. SCLATER-BOOTH: £500.] The hon. Member had never been made a Knight of the Garter. It was not right, he thought, that such a penalty should be imposed if these decorations were intended to be an honour and a reward. Take the case of a Governor General of India. After he had endured great hardships in the public service, if he received a decoration he was called on to pay from £500 to £700. He did not think that the Prime Minister, with his economical mind, or the Chancellor of the Exchequer, with his even more economical mind, could tolerate the continuance of these excessive charges, which were a puzzle to ordinary men. If anyone had the Thistle given to him he had also to pay nearly £500. Were these things to be continued?

MR. GLADSTONE congratulated his hon. Friend upon the great and almost preternatural vigour which he developed after midnight when other people found their energies flag, and were glad to creep home to bed. Somehow his hon. Friend seemed to have the secret of perpetual youth, which he recruited from some celestial source, and which enabled him at a late hour to keep vigilant watch upon expenditure. He could inform his hon. Friend that though the expenses of the Garter were very considerable, he had evidently made use of the multiplication table when it ought to have been dispensed with altogether. He was altogether far above the mark in his estimate of the expenses. He did not mean to say that the system of charges in connection with the bestowal of honours was satisfactory, but it was a system difficult to deal with. What was aimed at was that there should be no charge for public honours which were conferred expressly for public services. For example, in the case of honours like those of the Bath, which were usually given for distinguished services, no charge was made to the individual, and such charges as could not be avoided in conferring these honours were ordinarily paid by the public; but the Garter was usually conferred for eminence of position and high character rather than for distinguished public services. The charges made in these cases were mixed up with payments to individuals and bodies claiming by prescription, who were hard to get rid of. More urgent matters had occupied the attention of the Government; but he was far from saying that the subject ought not to be looked into, and if his hon. Friend would continue to keep a sharp eye upon the Government after midnight and at other times, perhaps some reform might be introduced.

MR. SCLATER-BOOTH said, that the accounts of the Paris Exhibition were very unsatisfactory, and it was very late to have an item of expenditure on that head two years and a-half after the Exhibition had closed.

MR. FAWCETT said, it appeared to him most inconsistent on the part of the Government to bring on at nearly half past twelve o'clock at night a Vote of this wholesale character, involving the large sum of £174,000 — a Vote, too, consisting of a vast number of items, amongst which was one for the installation of the Royal Princes, and another for the conveyance of the Prince of Wales and Prince Christian and others from Dover to Calais. The policy of the present Government was one of rigid economy. We praised them for it; but then their economy must be consistent and impartial; and if they suddenly dismissed from dockyards workmen at an inclement time of the year, and passed such items as these without inquiry, it would be said that they were adopting one measure for the poor and another for the rich. The Prime Minister seemed to think that energy after midnight was unusual, and that Members then were only in a condition to creep home to bed. That was exactly his feeling, and he therefore moved that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Fawcett.*)

Mr. STANSFELD said, he hoped the hon. Member for Brighton would not persevere with his Motion, as the hour was not very advanced. The Government had no objection to any amount of discussion, and were prepared to offer any explanation required.

Mr. NEVILLE-GRENVILLE said, he hoped the Amendment would not be pressed. He wished, however, to know when they were to hear the last of the Paris Exhibition? He noticed that, no matter who was at the Treasury, no satisfactory explanation was given as to how these Paris Exhibition Votes had been spent. The Exhibition of 1851 cost nothing, and realized a valuable estate; the State had not been called on for anything for the Exhibition of 1862; but the Paris Exhibition had cost £116,000, and we were now called on for £8,342 more.

Mr. MUNTZ also urged the hon. Member for Brighton to withdraw his Amendment, and allow the Committee to discuss the Votes *seriatim.* It appeared to him, however, looking at those Votes, difficult to reconcile the ideas of economy which the Government had expressed with many of the items comprised in this large Vote.

Mr. WHALLEY supported the Motion for reporting Progress.

Mr. SCLATER-BOOTH said, he thought that, after the discussion which had occurred, it was desirable the Estimate should be allowed to pass. There would be an opportunity of re-opening these questions when the Estimates for the present Session came before the Committee.

Mr. Alderman LUSK concurred in that view for the sake of expediting business.

Mr. RYLANDS appealed to the Government to take the various Votes in the Estimate separately.

Mr. GLADSTONE said, the Government were unwilling to press the Estimate at that hour against the wish of the Committee. It was extremely difficult, however, in the present state of the Public Business, to find a more suitable hour for its discussion.

Mr. FAWCETT said, he would not press his Motion.

Motion, by leave, *withdrawn.*

Mr. STANSFELD said, he should move the Vote, with a reduction of £24,663 being the amount asked for miscellaneous expenses, for a total of £150,024.

Mr. MUNTZ asked for some explanation as to the items of £3,560 for the veterinary department and that of £8,342 in connection with the Paris Exhibition.

Mr. W. E. FORSTER said, the former item resulted from the additional labour which had been thrown by the Act of last year on the veterinary department, than whose officers he thought it would be difficult to find men who had worked harder. The Act contemplated the continuance by the Government of efforts to prevent the spread of cattle diseases in this country. With regard to the Vote for the Paris Exhibition, his belief was, that inasmuch as it had pleased Parliament to undertake a share in that great international exhibition, the work had been carried out with great economy, although it might be doubtful whether it was a wise policy to have anything to do with that Exhibition. The original Estimate handed in by the Department was very considerably above the sum that had been expended. The furniture had been taken at the valuation price by an independent valuer. As a man of business, if he had ventured into such a speculation, he should be very glad to have got out of it for the same sum.

Mr. Alderman LUSK said, a part of the increase was for gratuities to officers, which had not been voted by Parliament, and as a man of business he did not think that right.

MR. ANDERSON said, there was a sum of £6,000 for freight in specie, and he should like to know whether it was paid to private ships. There was also a sum of £1,156 for expenses incurred on account of the household of the late King of the Belgians.

MR. BOWRING said, he was one of the Commissioners for the Paris Exhibition; but he begged to say that the Commissioners had no authority over the expenditure. That was in the Department of Science and Art, and there was great credit due to that Department that the excess was so small.

MR. AYRTON said, the subject had been fully investigated before the Committee on Public Accounts last year. Owing to the change in the system of audit, the accounts were thrown out, and great delay ensued. This matter was explained in the Report which was presented to the House. The charge in reference to the late King of the Belgians arose in consequence of the arrangement that was made in his lifetime, that if he surrendered his annuity certain of his dependants should receive pensions on being discharged out of his service.

MR. MUNTZ also questioned the item for the freight of specie, and said the money might be raised where it was wanted on Navy Bills, or by orders of the Government.

MR. AYRTON replied, that every case was carefully considered, and the most economical arrangements were made for placing the money.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

(1.) *Resolved,* That a Supplementary sum, not exceeding £150,024, be granted to Her Majesty, for the following Civil Services, which will come in course of payment during the year ending on the 31st day of March 1870: viz.

[Then the several services are set forth.]

MR. STANSFELD moved a Vote of £24,663, for Miscellaneous Expenses during the past year.

(2.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £24,663, be granted to Her Majesty, to pay certain Miscellaneous Expenses, which will come in course of payment during the year ending on the 31st day of March 1870."

MR. FAWCETT said, he had no objection to discuss the item, but he should take the sense of the Committee on the charge of £393 14*s.* 1*d.* for conveying the Prince of Wales, Prince Christian, and other distinguished persons, to Calais. There was also the miserable sum of £19 for medals for services rendered by foreigners to distressed English crews. Such a charge was a disgrace to the country.

Motion made, and Question proposed,

"That the Item of £393 14*s.* 1*d.* for conveyance of the Prince of Wales, Prince Christian, and other distinguished persons between Dover and Calais, be omitted from the proposed Vote." —(*Mr. Fawcett.*)

MR. GLADSTONE said, he hoped the Committee would not refuse to affirm this item, for the reason that it was part of what he might call the traditional understanding that existed between the Royal Family and the public, that charges of this kind should be allowed. The origin lay in an older arrangement, whereby the Queen's ships were at the disposal of the personal service of the Sovereign and the members of the Royal Family. But it was now considered more economical to avail themselves of the packet service than use Her Majesty's ships. It was not a new charge, but an old charge in a diminished form, arising from their pecuniary arrangements with the Royal Family. It was a question whether, if they were going to make new arrangements, it would not be wise to get rid of all those small charges; but they would fall short of their duty, and of the liberal fulfilment of their arrangements with the Royal Family, if they hesitated to defray a charge arising under circumstances of this kind.

MR. FAWCETT said, he thought the amount for conveying the Princes was extravagant.

MR. CHILDERS apprehended it was a charge for a whole year, and if the service were performed by Her Majesty's ships it would cost much more.

MR. FAWCETT urged the postponement of the question for further information as to the number of voyages that were included.

MR. CHILDERS said, the voyages exceeded ten in number.

Motion, by leave, *withdrawn.*

Original Question again proposed.

MR. R. SHAW moved the reduction of the Vote by the sum of £2,968 11*s.* 8*d.*, being the amount of three items—the principal one being the installation of the Prince of Wales, in St. Patrick's at Dublin, as a Knight of St. Patrick.

Motion made, and Question proposed,

"That a sum, not exceeding £21,693 8*s*. 11*d*., be granted to Her Majesty, to pay certain Miscellaneous Expenses, which will come in course of payment during the year ending on the 31st day of March 1870."—(*Mr. Richard Shaw.*)

MR. GLADSTONE explained that three-fourths of the item objected to went to defray the cost of fitting up St. Patrick's Cathedral, Dublin, for what was a grand public spectacle, and his Royal Highness the Prince of Wales could not be reasonably expected to pay for that. They might almost as well think of charging the Sovereign with the expenses of the coronation ceremony.

MR. RYLANDS said, he hoped the Amendment would not be pressed.

MR. R. SHAW said, his object had been answered by the explanation of the Prime Minister.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

£152,215, for Revenue and Post Office Packet Services.

In reply to Mr. Alderman LUSK,

MR. STANSFELD said, that the large item of £120,000 for the Peninsular and Oriental Company could not be foreseen with certainty when the Estimates were laid on the table of the House, for it was a contribution dependent on the rate of profit made by that company, which could only subsequently be ascertained.

(3.) *Resolved*, That a Supplementary sum, not exceeding £152,215, be granted to Her Majesty for the following Revenue and Post Office Packet Services, which will come in course of payment during the year ending on the 31st day of March 1870: viz.

	£
Inland Revenue. . . .	22,000
Post Office Packet Service .	130,215
	£152,215

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, 9th March, 1870.

MINUTES.]—SELECT COMMITTEE—Compulsory Pilotage, *nominated.*

SUPPLY—*considered in Committee—Resolutions* [March 8] *reported* — SUPPLEMENTARY CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Ordered—First Reading*—Wages Arrestment Abolition (Scotland)* [69].

Second Reading—Church Rates (Scotland) [5], *put off;* Coroners* [42]; Adulteration of Food or Drink Act (1860) Amendment* [44], *debate adjourned;* Mortgages (No. 2)* [52].

PUBLIC CARRIAGE HORSES.

QUESTION.

SIR HENRY HOARE said, he would beg to ask the Secretary of State for the Home Department, Whether it is true that the services of the Veterinary Surgeon of the Metropolitan Police, whose duty it is to inspect the horses in public carriages, and examine as to their fitness for use, are to be discontinued in future; and, if so, for what reason?

MR. BRUCE, in reply, said, it was true that practically for several years the services of the veterinary surgeon of the metropolitan police had been discontinued, it being the opinion of the late Sir Richard Mayne, as well as that of the present Chief Commissioner of Police—Colonel Henderson—that the work was more cheaply and more efficiently done by referring the inspection to several veterinary surgeons instead of employing one surgeon only.

CHURCH RATES (SCOTLAND) BILL.

(*Mr. M'Laren, Mr. Graham, Mr. Craufurd*)

[BILL 5.] SECOND READING.

Order for Second Reading read.

MR. M'LAREN, in moving that the Bill be now read the second time, said—I shall detain the House for as short a time as possible; but I hope that, considering the importance of the subject, the House will allow me to go a little into details. The title of the Bill is, I find, objected to by certain Members. It is said that there are no "church rates" in Scotland. I admit at once that local imposts levied in Scotland are generally called assessments in the Acts relating to them; and if it please hon. Members to have the words "church assessments or rates" instead of church rates, I shall not object. If the Bill is approved in other respects, I shall not object to that alteration being made in Committee. I am aware that in Scotland police rates, water rates, and other imposts of the same class are generally called assessments; and hence I should not object to the change which seems to be desired, although I prefer the words of the title, and think them more expressive. Then, again, the Definition Clause is by some considered too broad, because it includes certain places of worship which are not legally entitled to have church rates imposed for their benefit. I admit that that is the case; but why is it so? Because, although there have been attempts to bring them under the operation of the law, those attempts have not been successful, and I have included them to prevent a repetition of such attempts. The great argument, however, as I understand, of those who object to this Bill, is that there are no church rates or assessments in Scotland in all respects the same as the church rates which have been abolished in England and Ireland. I contend that this argument is quite fallacious; that the church rates in Scotland are not only of the same nature as were the rates in England and Ireland, but that there are several aggravations attending them which did not attend the operation of similar rates in the sister kingdoms. For example, in England, as I understand, a church rate could not be levied for rebuilding a parsonage-house; while one of the great grievances in Scotland is, that the courts have never done with litigation and orders about the rebuilding of parsonages, or, as we call them, manses. I hold, therefore, that the grievance is much greater in Scotland than it was here. If there had been 13,000 parsonage-houses in England to be kept in repair, and rates had been levied for repairing, and in many cases for rebuilding those parsonages, the grievance would have been perfectly intolerable; but in that case church rates would probably not have been allowed to exist so long as they did. The annoyance and strife which might have happened in England, under such circumstances, is what does happen in Scotland every day. Again, it is said that a church rate in England was unlike a church rate in Scotland, because the English rate was levied upon the occupants of lands, while the Scotch rate is levied upon owners. I admit the fact, but I deny the inference—that the English landowners did not pay the church rates. We had opportunities of discussing the incidence of the rate before the English Church Rate Bill was passed; and it was strongly contended in this House that the abolition of church rates would relieve landlords to a large extent, because, although the tenants paid the rates in the first instance, its existence was perfectly well known and was calculated upon whenever an occupancy commenced. But if the argument now used against this Bill be sound, I should like to know what those who use it say about the poor rate in England? The poor rate is entirely levied upon the occupiers in England; but in Scotland only one-half of it is levied upon the occupier, the other half being chargeable on the landowner. Now will it be contended that on account of the difference of machinery used in collecting the poor rate, it does not form as complete a burden on the land in England as in Scotland? On the contrary, it has been often argued that the poor rate in England is one of those gigantic burdens on the land which ought to be lightened; and I quite agree with those who hold that the incidence of all local rates in agricultural districts rests upon land in the long run, no matter by whom they may be paid in the first instance. The main objection urged against this Bill is, that by abolishing the rate in question, you would, in effect, be giving to the landowner a large amount of national property; because the church assessment or rate is a burden which has existed from the period of the Reformation; and, therefore, that if you relieve the land from that burden you ought to take possession of the fund arising from that relief and apply it to education or some other national object, instead of allowing it to go into the pockets of the landlords. I deny that it is a burden of that nature; and, therefore, I deny that it can be dealt with in that way. This is not a fixed assessment like the minister's stipend or the schoolmaster's salary, which form an annual burden on property, and is taken into account in the sale and purchase of estates. I never saw an advertisement for the sale of a large estate in which all the burdens were not mentioned; but I think it would be a very extraordinary advertisement that included any burden connected with the repairing of churches or manses. I doubt whether such an advertisement as that ever appeared. Such a thing would be quite contrary to ordinary usage. It is therefore impossible to deal with these rates as an ordinary burden on land. An hon. Friend near me has been assessed in the parish in which his property is at the rate of 6*s.* in the £1 upon his rental last year, for the re-building of the churches and manses; but, as he said to me the other day in discussing this question, nobody can ever call that a burden upon the land to be calculated for the future, because everything is now done so completely that for another sixty years in all probability there will never be another halfpenny required to be raised for any of these purposes. There may be during that time three different owners of the estate; and, if so, all these three would escape any liability on account of the re-building of the church and manse; but, supposing a fourth owner comes in, and another assessment for a similar purpose is required, that assessment would strike him, while the three previous proprietors had escaped altogether. It is therefore quite impossible to deal with this as an ordinary tax. There is another question to which I wish to draw the special attention of my hon. and learned Friend the Member for the University of Glasgow—who has given notice that he will move that this Bill be read a second time this day six months. I have carefully consulted the best legal authority extant on this subject — Mr. Duncan's work—on the *Parochial and Ecclesiastical Law of Scotland*. Mr. Duncan says that these rates do not form a burden on land like tithes and teinds; for, if an heritor dies after the assessment is laid on, and before he has paid it, the debt is decided to affect the personalty and not the land—in other words, these rates are, according to Mr. Duncan, a burden on personal property. That being laid down as the law by the best authority extant, I should like to know what becomes of the argument respecting the burden on land? But the Bill does not abolish the rate. It merely copies the English Act of last Session, by preventing any legal process for recovery. Every heritor in Scotland would, after the Bill is passed, have just the same means of paying as he has now. He has only to draw a cheque for the money and forward it; his conscience will then be at rest. The question is exciting great interest in Scotland, though it is launched for the first time. During the present year there have been only, so far as I know, two Petitions presented against the Bill, and some fifty in its favour. I would call the attention of the hon. and learned Member for the University of Glasgow to the fact that in the Glasgow newspapers which arrived this morning he will find a report of a very influential meeting held in Glasgow, and attended by some of the ablest and best men in that great city, at which they unanimously agreed to petition in favour of this Bill. The Town Councils of Edinburgh and Dundee also petitioned in favour of the measure, while in the county of Forfar the sensation has been very great in consequence of the frequent occurrence of these assessments. With regard to the assertion that this alleged burden on land has existed from time immemorial, I should like, with the permission of the House, to refer to the history of the law connected with this subject. The first Act to which it is necessary to refer with respect to the obligation to provide manses or parsonages was passed in 1612, when Episcopacy was the law of the land. It is important to notice this, because it shows that the burden was not then laid on the land, but on the clergy who occupied the manses. The Act requires Bishops and other ecclesiastical persons—

> "To build, repair, and maintain their houses and manses in sik case as may serve for their dwelling and the dwelling of their successors."

It then authorizes them, where extensive repairs or rebuilding have taken place, to charge their successors with a proportion of the outlay, as was the case in Ireland, till the Established Church there was abolished; but the Act went on to provide that this postponed charge should not exceed £1,000 Scots for a Bishop, and 500 merks for "other inferior ministers," which is £83 6*s.* 8*d.* in the one case, and £27 15*s.* 6*d.* in the other. This Act completely destroys the plea that these rates were always a burden on land, the same as tithes. The next Act requiring to be noticed was passed in 1644, when Cromwell's power prevailed and Episcopacy was abolished. It is well known that Cromwell had no liking for the great landowners of Scotland, and the law was no doubt changed in accordance with his wishes. That Act required manses to be provided by the heritors; but the enactment does not appear to have been effectual, for in 1649 another Act was passed, also in Cromwell's time, which may be said to be the first germ of the law as now enforced. It required the heritors of parishes, "at the sight of three ministers and three ruling elders to be appointed by the Presbytery," to build "competent manses," the cost and expenses thereof not exceeding £1,000 Scots, and not being beneath 500 merks — that is, £83 6*s.* 8*d.* and £27 15*s.* 6*d.* It will be observed that these are the same sums which the Episcopal clergy might recover from their successors under the Act of 1612. On the Restoration of Charles II. a general Act was passed rescinding all the Acts passed during the Cromwellian period, which was described as "the Usurpation." The two Acts already mentioned were in this manner repealed; but in 1663, when Episcopacy was restored, another Act was passed in nearly the same terms as the Act of 1649, laying the burden of providing "competent" manses on the heritors, and again with the limitations of £83 6*s.* 8*d.* and £27 15*s.* 6*d.* as before. Mr. Duncan, in his book on Ecclesiastical Law, says, with reference to this limitation—

> "As the obligation on the heritors to build a manse at all is entirely the creation of a statute, it is difficult to avoid the result that the extent of their liability cannot exceed that stated in the Act."

This must be clear, logically, to every unprejudiced mind. But the courts of law drove their coach and four through the Act, and in effect declared that as Parliament had not granted enough of money to provide comfortable manses for the ministers, they would override Parliament, repeal the limitation, and give abundance—in some cases exceeding the Parliamentary limit more than twenty-fold. So much for our Judge-made law virtually repealing Acts of Parliament, under which alone we now suffer. It is important to notice that this ruling Act (1663) did not confer on the Presbyteries the powers which those bodies have gradually assumed to themselves, to order the erection of manses and churches. It required the heritors to build manses

> "At the sight of the Bishop of the diocese, or such ministers as he shall appoint, with two or three of the most knowing and discreet men of the parish."

The Presbyteries for a long course of years have assumed the whole powers thus conferred on the Bishops, but without any direct statutory authority. These bodies consist of assemblages of ministers of neighbouring parishes. The largest Presbytery has twenty-seven ministers, and the smallest four. There is a ruling elder appointed along with each minister; but, practically, they leave the whole of these matters to be dealt with by the clergy. These Presbyteries frequently act in the most imperious way, entailing large expenses on the parish. The requirements of the Act of 1663, to appoint two or three "discreet" men along with the ministers, is never acted upon; and the courts of law, as a general rule, sustain the actings of these ecclesiastical bodies. With respect to the obligations to build and repair churches, they are so nearly the same as in the case of manses that I need not go into any details on the subject. Mr. Duncan says—

> "On the principle which has been so often expressed, that the laws in reference to churches and manses is similar, the rules applicable to the course of procedure in connection with building, repairing, or enlarging these two classes of buildings are substantially the same."

Now, having stated what is the case with respect to manses, and having given my authority for saying that the rules as to churches are substantially the same, I shall not take up the time of the House on that part of the subject. It remains for me to prove by facts, which I shall narrate, that a serious grievance now exists in Scotland. I may state that the grievance extends over the whole kingdom. It exists in the Shetland Islands even more oppressively than anywhere else. It is also intensely felt in the Orkney Islands; and extends from thence to the most Southern districts of Scotland. I have received a great number of letters showing the hardships which are suffered. If I were not to give the names of the parishes, the facts being so extraordinary, I might be suspected of gross exaggeration. Let me, therefore, give, on the authority of a resident in Shetland, two or three cases by name. In Delting parish a new manse was ordered. The cost was 12*s.* 5*d.* in the pound on the real rent. A Free Church minister writes that he had to pay £9 9*s.* 4*d.* on his house and garden, valued at £15 5*s.* A new church was built about the same time, but it was assessed wholly on the large heritors. In Northmaven parish a new church was ordered, and is building. It will cost nearly one year's rental of the entire parish. The parish has four parochial district churches, all of which the Presbytery ordered to be renovated, and this was done at a large expense. In the parish of Walls a manse was ordered to be built, which is the largest and most expensive house in the parish. One of the district churches (the Isle of Fould) cost more than a year's rent. Is it possible, I would ask, for such a state of things to be allowed to continue? The same state of things prevails in Orkney. In the parish of South Ronaldshay since 1850 the sum of £967 has been expended upon the churches and manse. The parishes of Firth and Stennes since 1846 have been mulcted to the tune of £1,100 for repairing the manse; in the parishes of Birsay and Harray the ecclesiastical buildings have since 1856 cost the heritors £2,060. In the parish of Sanday the manse was condemned by the Presbytery in 1833; instead of building a new one, the heritors agreed to pay the minister £25 per annum of manse rent. The minister is still living in the old manse comfortably, but always drawing the £25 of rent; and it is believed that no repairs have been made on it since 1833. In the parish of Holm, since 1862, £900 has been expended in repairing the church and manse, being the greater portion of a year's net rental of the parish. It seems to me that it would be impossible to imagine anything more oppressive than such a state of things; for I may remark that the inhabitants of Shetland are, as a rule, known to be in the lowest state of poverty and distress. I will not go much into the Lowland districts, because hon. Members are familiar with their condition. A threatening letter, issued in Forfarshire, to enforce the assessment, has been sent to me as a specimen. It was addressed to an old lady, ninety years of age, the widow of a Dissenting minister. The letter states that unless she would pay £4 7*s.* 6*d.*, legal proceedings would be taken against her. In a parish near Glasgow a friend of mine was charged £47 on a paper mill. I could multiply instances to a large extent, but I will not, in order not to take up the time of the House. I beg to call the special attention of my learned Friend the Lord Advocate to the subject, and would read a brief account of a public meeting from the Wigton newspaper—the burgh which the learned Lord Advocate represents in Parliament. The report was to the effect that if his Lordship did not support this Bill his views would be disapproved of by a large majority of the people who had supported him. I think it would be wrong in me at this late hour to detain the House by any general observations. In addressing this House, I always prefer to state facts rather than enter into general arguments, believing that in such cases the facts are the best arguments, and I shall adopt that course on the present occasion. This Bill is the "beginning of the end." It cannot be carried this year; but carried it will be, and that not long hence, as certainly as any measure ever introduced into this House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. M'Laren.*)

Mr. GORDON, in moving that the Bill be read a second time this day six months, said, that the title of the Bill was unquestionably calculated to produce an erroneous impression in the minds of English Members, there being no such burden known in Scotland as a church rate: there being a very material distinction between what was the church assessment in Scotland and the church rates as they existed prior to 1868 in England. In England, in order to constitute a legal church rate, it was necessary that the parishioners themselves should vote that the church rate should be imposed—the rate was in that sense a voluntary burden. Now the change effected by the Act of 1868 was this—Instead of leaving it in the power of the majority to place the burden on all who were legally liable, it enacted that no burden should be placed on any one unless he personally and voluntarily undertook it. Therefore, the rate was now merely a voluntary rate. But in Scotland the burden was of a totally different character. The assessment was made for the construction and repairs of ecclesiastical buildings—that was to say, for the building of a church as a church, and the manse as the residence of the minister. That burden was imposed, not as in England, upon the occupiers, but upon the owners of land, or, as they were called in Scotland, the heritors. The heritors were solely liable and held their land subject to the condition that when it was needful that the ecclesiastical buildings should be repaired, they should defray the necessary expense. This charge, therefore, was imposed on the proprietors or heritors, and not on mere occupiers. The burden, which was called "the church assessment," was not dependant on the will of the majority of parishioners. The courts could direct the buildings to be placed in repair, and it must be done at the expense of the heritors, quite irrespective of the consent of the occupiers. It was a burden established as custom, and afterwards recognized by the State, imposing the obligation on the proprietors of land. The origin of this burden was this — Before the Catholic had ceased to be the Established religion of Scotland the clergy were in possession of large estates and of tithes, and the burden of the repair of ecclesiastical buildings fell upon them, and they were well able to bear it. After the Reformation the great territorial possessions of the Roman Catholic Church were granted away to various persons by the King's favour, and the tithes were taken possession of by the Crown, and all that was allowed the clergy of the Reformed Church was about one-third of the tithes —or "the thirds," as they were called. Under these circumstances, it was quite impossible for the clergy to bear the burden of repairing the ecclesiastical edifices, and it became necessary that some provision should be made by Act of Parliament for the purpose. In 1572, and again in 1663, Acts of Parliament were passed, which imposed upon the heritors within each parish the burden of maintaining and repairing the buildings. The burden attached to every heritor in a parish; and it was an undoubted fact that property fetched a higher price if the parish church and manse were in good repair, and a lower if they were likely to require expenditure. As the heritors alone paid the assessment they were, of course, entitled to the occupation of the parish church, which they held on behalf of their tenants, and accordingly each heritor had a proportion of pews allocated to him, which he assigned among his tenantry. He wished to be understood as referring to the landward parishes only, and not to those situated in the boroughs. By this means provision was made for free attendance in church, without the payment of any pew-rents. So strictly was this a burden on the property that it was not in the power of the proprietor to sell his interest in the church, which always followed the land. In like manner, the possession of the church pews was a right or privilege which could not be dissevered from the property. This burden, therefore, was very materially different from the church rate in England. His hon. Friend the Member for Edinburgh (Mr. M'Laren) had said that this burden entailed heavy expense on the proprietors. All he (Mr. Gordon) had to say in answer was that the proprietors had taken their property subject to it. He was not aware that the hon. Member represented any extensive body of persons who were liable to the payment of the rate. He believed the landlords of Scotland were not unwilling to discharge the duties attaching to their position, and it was very much to their credit that such should be the case, when it was remembered that a large number of the landlords were not members of the Established Church. The case of the borough parishes was altogether different from that of the landward parishes. In the boroughs the churches were maintained and repaired out of the "common good." It was a burden attaching to the property of the borough, and the boroughs were enabled to recoup themselves by the rent of the church seats or pews. He submitted, therefore, that there was some distinction between the church rate and the church assessment of Scotland. Another point of difference between the church rate and the church assessment was that in Scotland the expenses of Divine worship were paid, not out of the assessment, but by the voluntary contributions of the persons who attended the church. This assessment had never been called a church rate before, and he must say that the latters term was calculated to mislead. He observed that his hon. Friend had adopted the language of the Preamble of the Compulsory Church Rates Abolition Act, passed in 1868. Now, this Preamble recited that church rates had ceased to be made in many parishes by reason of the opposition offered to them, and that in other places they had given rise to much litigation and ill-feeling. But there had practically been no opposition to the church assessment, and if there had occasionally been some litigation he should like any hon. Gentleman to tell him of any matter involving rights of property in regard to which recourse was not sometimes had to courts of law. The improper interference of the Presbytery, to which allusion was made by his hon. Friend, had been put an end to by an Act passed in 1868 to amend the procedure in regard to ecclesiastical buildings and glebes in Scotland. In some of his clauses his hon. Friend had closely followed the Act; but many of these provisions were quite inapplicable to Scotland. Again, his hon. Friend had omitted the just provision of the English Act, which exempted from its operation any custom or tithes which had theretofore been devoted by law to ecclesiastical purposes. He thought the Bill proposed a very improper mode of dealing with the subject, and he should therefore move its rejection.

LORD GARLIES said, that inasmuch as the Preamble of the Bill had been shown to contain a false assumption, the hon. Gentleman opposite deserved the condolence of the House upon his discovery of a mare's nest. The landowners did not desire the relief which the hon. Gentleman sought to procure for them, and he therefore cordially seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Gordon.*)

MR. CARNEGIE said, he had heard no arguments in favour of maintaining a compulsory system of rates for the maintenance of ecclesiastical buildings in Scotland after they had been abolished in England, and he thought the hon. and learned Member for the University of Glasgow (Mr. Gordon) had completely failed in making out a case. He had expected that the Bill would be allowed to pass a second reading without opposition; but since this was not to be the case, he was happy to be able to give it his warmest support. There was nothing in the peculiar condition of Scotland as compared to England which justified the continuance of such a burden; and if the Church of England could do without church rates, the Church of Scotland ought to be able to do likewise. So far as his knowledge went, there was no such unanimity in regard to the payment of the tax as had been alleged. So far from that being the case, he had repeatedly heard grumbling and murmuring on the part of the heritors whenever a church or manse was required to be rebuilt or repaired. Practically, the burden had enormously increased, for in one way or another the clergy, fortified by decisions in the Court of Session, had become much more exacting than in former days. He trusted the House would agree to the second reading.

LORD JOHN MANNERS said, that as far as he knew the feelings and wishes of the Episcopalian landowners in Scotland, they were quite prepared to bear their share of this burden. In Scotland he was a Dissenter from the Established Church, being a member of the Episcopalian Church, which had been pillaged, disestablished, disendowed, and persecuted by the Established Church, in favour of which this tax was levied: nevertheless, he, in common with the great majority of the Episcopalian heritors and feuars, did not, in the slightest degree, grudge the Establishment its lawful due. So far from the Act for the abolition of compulsory church rates in England having settled the question, there was, at this moment, on the table a proposal from Liberal Members to unsettle the whole question again, and to substitute for the Act of 1868 a plan for throwing the expense of maintaining the churchyards upon the poor rates. All through the Irish Church debates last year the House was constantly told—and the Solicitor General for Ireland referred to the same subject last evening—that the people of Scotland rose in a mass in 1688 and disestablished the Episcopalian Church. This, however, was not the fact. The true reason why the Episcopalian Church was disestablished in 1688 was simply because when William III. proposed to acknowledge the Scotch

Bishops if they would take the Oath of Allegiance to him they, with great loyalty to the fallen dynasty, refused to give the pledge; and it actually required an armed force from Holland and England to disestablish the Episcopalian Church in many parts of the Highlands of Scotland. This tax was only one of the necessary accidents and accompaniments of an Established Church; and if hon. Gentlemen opposite thought the Established Church of Scotland ought to be no longer maintained, why did they not plainly say so, instead of bringing forward measures like the present? Though he was not a member of it, he, for one, was not prepared to subvert that ancient and venerable institution, which could well bear a comparison with many other institutions of the country.

MR. GRAHAM thought that, with the exception of the noble Lord, there were very few hon. Members who would stand up for the principle of compulsory church rates. He was himself a Scotch Dissenter; but he was made of sterner stuff than the noble Lord, and was not prepared to submit to a wrong in such a spirit of humility. The principle of this assessment or church rate was never just; but it might have been excusable at one time when the religious belief of the country was uniform, and when religious feeling was dead or indifferent, but that time had long gone by, and no excuse could be alleged in its favour at the present time. Those hon. Members who opposed the Bill were unable to stand up in defence of the principle of church rates. He could not conceive it right to levy such a rate for ecclesiastical purposes; and he believed that the charge was more oppressively felt in Scotland than it was in England. In this country the rates were, in many instances, voluntary; but in Scotland the case was very different. He utterly denied the assertion that the tax was the property of the Church of Scotland, and could not admit the principle that people who lived 200 years ago had the right of levying a continuing tax on all future generations. The property which he possessed had not been given to him by the Church, but was the result of his own exertions, and he denied that the Church had the right to establish a permanent tax upon that property. If this tax was really a charge upon property, he was willing it should be continued and credited to the poor rates, or expended for some purpose of public utility; but to continue it as an impost for ecclesiastical purposes was unjust. It had been said that it was unfair to attack the Established Church in small ways, and that those who desired to effect a change ought to go in for its disestablishment altogether; but he advocated reform not in a spirit of hostility to the Church, but only on grounds of justice to those outside its bounds. This was the more necessary now, inasmuch as the position of Established Churches was very different from that which they occupied ten, or even five years ago. It was much less secure, and the practical result might be that it became a matter of importance to them, more with a view to future contingencies, to rebuild churches and manses, to get as much as they could out of these taxes, so as to increase the value of their property as much as possible. Believing that a great injustice was inflicted by levying compulsory payments for religious purposes, he gave his hearty support to the Bill.

SIR EDWARD COLEBROOKE thought the House ought to consider whether the grievance complained of could not be redressed without resorting to any extreme measure. In England, no step was taken in the removal of church rates until after full inquiry, and the House had the facts before them, and he thought it desirable for the House to inquire into the nature and amount of the present tax, without inquiring into abstract principles. The tax had always been regarded in the light of a tax on property, and not as a religious grievance, and ought not to be lightly disturbed; but, at the same time, it was the interest of those who were subject to the tax, that its present uncertain and irregular incidence should be commuted to a fixed and regular charge. He therefore proposed that the Bill should be read a second time and referred to a Select Committee.

MR. CANDLISH said, he considered church rates a great grievance in Scotland; and having assisted the people of England in getting rid of that grievance, it was only natural that he should endeavour to relieve his fellow-subjects in Scotland from an analogous grievance; and he trusted the House would do the same justice to the people of Scotland which it had done to the people of England. He believed that, in point of fact, the Scottish impost was more objectionable, onerous, and difficult to be borne than the English one had been. The same arguments were used in its favour as had been employed to defend the English rate, and they seemed to him equally untenable. If he bought a house or land subject to a particular burden or impost, was he thereby precluded from endeavouring to obtain its removal? If he occupied premises within any municipal jurisdiction, was he not at liberty to deal with the rates and assessments imposed on that municipality, and to struggle for their improvement when they were unjust or oppressive? On every ground of principle, policy, and analogy, he thought the arguments in favour of the Bill were unanswerable, and hoped that they might speedily see it become law.

Mr. MAXWELL said, the rate was an assessment on the holders of property, and the purchasers had bought it subject to all the conditions attached to it. No doubt the relief from the assessment would be so much gain to the proprietors of land; but it would bear very harshly upon the Established clergy who had been appointed with the distinct understanding that they were to have the churches and the manses kept in good order and repair, and if a change took place, unless some provision was made for them, they would find themselves in a very unfortunate position. He had no doubt that some changes were desirable; but he did not think they could be effected beneficially by the measure now before the House. No doubt a great number of petitions had been presented in favour of the Bill; but he believed they originated with those who entertained no very good feeling towards the Church of Scotland, and that the object which they had in view was the injury of that Church.

Mr. MILLER said, he could not quietly hear it said that those who were in favour of this Bill wished to commit some injury upon the Church of Scotland. He wished no injury whatever to that Church; he said—let it prosper and do all the good it could; but, at the same time, he wanted justice for those who differed from that Church, and never entered its doors. He knew something by experience of the operation of the law with regard to churches and manses not only in the South of Scotland but in the North; and in both these districts the grievance was found to be severe. He had had to suffer personally from it for years, and although all the churches and manses with which he had to do were now in such a state of repair as in all probability to relieve him from any further call, yet he could feel for others who were not in the position in which he was. It was said that the landowners of Scotland do not object to this tax. If they did not object, they might pay the tax after the Bill had passed just the same as they did now—the Bill only applied to those who were unwilling to pay. The injustice fell not so much upon the large proprietors, they being, by a large majority, Churchmen, as upon the thousands of smaller proprietors who were called upon to pay towards a church, the doors of which they never entered. It was also said that those who paid for the church got recompense in having seats allotted to them—it was obvious that must be a poor return to those who could not use them. It was termed a small tax, probably it was; but, small though it be, it was very irritating. He hoped the House would give some relief to the grievance complained of.

Sir ROBERT ANSTRUTHER said, the title of the Bill, which was stated to be "a Bill for the Abolition of Compulsory Church Rates in Scotland," was calculated to deceive a large number as to its character; and, accordingly, the hon. Member for Sunderland (Mr. Candlish), as a consistent Dissenter, had rushed to support it. Anyone would suppose that the measure was analogous to the one which was passed for the abolition of church rates in England and Wales; but, as had been conclusively shown, there was really no analogy between the church assessment of Scotland and the church rate of England. The Bill, so far from being a liberal measure, was altogether a reactionary proposal, and he was astonished to see the name of three Liberal Members at its back. Its object was to put the whole of the Church endowment into the pockets of the heritors; and, considering that the assessment had been imposed by Parliament for national purposes, he did not see why it should be dealt with in the manner proposed. If the purpose for which the money was required was a bad one, Parliament ought to declare that it was bad, and then apply the money, not by paying it into the pockets of the heritors, but to some other national purpose. No doubt there was a fair grievance on the part of the feuars, as they had only recently, for the first time, been brought under the burden of assessment, and it was only fair that the grievance should be remedied; but the present measure was wholly unnecessary and unjust, and most dangerous in principle, and he should, therefore, vote against the second reading.

Mr. CRAUFURD congratulated the hon. Member for Fifeshire on having at last thrown a little spirit and life into the discussion. He (Mr. Craufurd) thought the hon. Member should have informed the House that he was not only a member of the Established Church, but that he was a leading member of that Church, and took a leading part in the General Assembly which had petitioned against the Bill.

Sir ROBERT ANSTRUTHER said, perhaps the hon. Member would allow him to say that he did mention it.

Mr. CRAUFURD said, whether the hon. Member mentioned it or not, he only confirmed what he (Mr. Craufurd) had stated, that he had an object in resisting the Bill. The hon. Member felt that the law did create a grievance, as did his hon. Friend the Member for Glasgow (Mr. Graham). He felt that the Dissenting interest were visited with an infliction for which there was neither rhyme nor reason. His hon. Friend went a little further, and said that the feuars were oppressed because they had had the rate imposed on them only a few years ago. Did he mean to say that the present feuars were not in exactly the same position in relation to other proprietors; that they had not bought their land subject to it? And why, in heaven's name, were they to exempt the feuars and not the other proprietors? For the life of him he could not see the shadow of a reason for the argument of the hon. Member, or for the course that he took. He had expressed his great joy that the Dissenting grievance had not been raised here. But it laid at the whole root of the question—it laid at the root of the abolition of compulsory church rates in England, it laid at the root of the abolition of this impost. And though the hon. Baronet might at this time, with the assistance of his Friends opposite, retard this measure, he could only retard it for a few years. The time must come when this impost would be swept away. They were told, as far as the Bill went, it went in the direction of the disestablishment of the Scotch Church, and they were asked why they did not bring in a measure for the disestablishment of the Scotch Church? They were prepared to support any man who would bring in a measure like that of the Irish Bill of last year and apply it to Scotland and to England. But these questions were met in this way at once. If they were to bring in such a measure as that they would be told that the measure was too large, and if they endeavoured to break down the outworks they were told that the measure was too small. So that between the two they could not progress at all.

The LORD ADVOCATE said, that the question, whether the Established Church of Scotland should or should not be disendowed was altogether foreign to this debate. He presumed comprehensive provisions would be made for all legitimate interests, and the whole matter would be dealt with in such a manner as might at least be fitting the occasion. He would not indicate any opinion, or make any prediction as to the tenure by which the Church of Scotland held its endowments as an Establishment; these considerations were altogether foreign to the question with which they had to deal in considering this Bill. In point of fact, the Church of Scotland now existed as an Establishment, and was endowed as an Establishment, and there was no question before the House about disendowing altogether or partially. But he thought he should make it clear to demonstration that the Bill now before the House, if it were passed into an Act, would disendow the Church of Scotland to a very material extent. There was an analogy for some purposes, undoubtedly, between the Church of England and the Church of Scotland; but there was no great resemblance between the provisions in the one Establishment and in the other for the maintenance of the clergy. It was very important, in order to take a just view of the measure now before the House, that some little attention should be paid to the provision which in Scotland now existed, and had existed since the Reformation, for the maintenance of the clergy of the Established Church. The clergymen were provided with money stipends. They were also provided by the law, as part of the provision for their maintenance, with houses, which were called manses, and with glebes; and he believed he was speaking the truth, with respect to the great majority of the parishes of Scotland, when he said that the money provision which was made in the name of stipend would be altogether insufficient for the respectable maintenance of the minister if he were not also provided with a house and glebe. This Bill proposed to deprive him of both; and one of the consequences of that would be this—as it was in the discretion of the Court of Appeal, which was composed of the Judges of the Supreme Court, to modify from time to time the money stipend of the parish minister, they must, in consideration of any clergyman being deprived of his house, or of his glebe, or the grass upon which he fed his horse or cow, or grew his corn—they must, in consideration of this deprivation, increase his money stipend to such an amount that he would be able to procure —he would not call them conveniences, but necessaries for himself. To deprive the clergyman of his manse, which it was the object of this Bill to do—to deprive him of his glebe, which it was the purpose of this Bill to do, was simply to transfer to that extent the incidence of the burden of making provision for the maintenance of the Established clergy from one quarter to another. Whatever happened, the clergymen would not be the losers. The hon. Member for Edinburgh (Mr. M'Laren) had said that he expected objections to be urged against his Bill upon the ground that the title was inaccurate, and as he said that the expression "rates" was just English for what in Scotland they called "assessment," the objection to the title was only a verbal nicety; but what he (the Lord Advocate) wanted to know was this—What was the purpose of calling a burden upon land in Scotland by a name by which Scotchmen do not recognize it? He could not conceive it could be for a good purpose. It must have been by a similarity of name, to produce, in the first instance, an impression that there was a resemblance between the things. His hon. and learned Friend the Member for the University of Glasgow (Mr. Gordon) had shown that there was no resemblance between the things at all. He repeated, he could find no good reason for calling a Scotch burden—that which this Bill professed to deal with—by a name it was never known by, and by which no Scotchman would recognize it. But among the many differences which existed on the burden in question and church rates in Scotland, there was this difference—that the English church rate was a rate merely for the necessary repairs, cleaning, &c., of the parish church; while this Bill professed to deal with that which never had anything to do with church rates—namely, the parsonage houses of the ministers. The law required that the clergymen should be provided with manses by the heritors of their respective parishes, contributed according to the value of their estates. It was a tax upon land, because the income from which it was taken was derived from the land. It was a tax upon land, standing upon statute law, and continued for centuries until the present day. It had been said that it was not a burden upon land at all, but that it was a personal tax; and his hon. and learned Friend the Member for Ayr (Mr. Craufurd) referred with great approbation — almost triumphant approbation—to an illustration, which he said conclusively showed that such was the case. Now, when he heard the hon. Member for Edinburgh, who was not a lawyer, quote his illustrations, he was not surprised; but when he heard his hon. and learned Friend the Member for Ayr, who was a lawyer, repeat his illustrations, he confessed he was surprised. Their illustration was this—that if an assessment be imposed upon the heritor, in respect of his estate, for the repair of the church or manse, so that it became a money debt, due by a man in his lifetime, and he died without paying it, then the liability did not transfer to his heir, but went against the executor who succeeded to the money. That was the illustration; and would anybody tell him that there was anything new or strange in that? Why, if a man died without paying a debt, his executor, who took the money, was liable for the debt; and that was the law of Scotland. It was the law of England as much as it was the law of Scotland. The illustration, as far as the purposes of this Bill were concerned, was simply and absolutely nonsense.

The hon. Member for Edinburgh had alluded to advertisements. He (the Lord Advocate) had seen advertisements of property over and over again, in which it was stated, as an inducement to the purchaser to give a higher price, that the church had been built the year before, and that the parochial buildings, the manse and the schoolmaster's house, were all in good order. This tax was precisely in the same category as any other burden upon land, and which the purchaser took into account in consideration of what he ought to pay. Let it not for a moment be supposed that he contended that it was beyond the competency of Parliament to deal with this: what he objected to was that, while retaining and endowing the Established Church, they interposed with a measure which would do away with arrangements which, on the whole, worked satisfactorily. The parish churches of England were upon a quite different footing from the parish churches of Scotland. In Scotland the parish churches were the property of the heritors, who built them, and were under legal obligation to maintain them. In England there was the provision for repairing the body of the parish churches, which was entrusted to the vestries, who had the power of withholding their consent; so that it could not be said that, so far as the churches were concerned, there was any analogy between the requirements of the one Church and the requirements of the other. Then he would ask, in whose behalf was this appeal made to that House? In the vast majority of cases this burden was imposed only upon large landowners, and therefore he was at a loss to realize the grievances which the hon. Member for Edinburgh stated were inflicted in the cases which he referred to. The hon. Member for Forfar (Mr. Carnegie) said you never found a body of landlords who did not speak about the hardship of their local taxation. He (the Lord Advocate) should like to know where they would find a body of any taxpayers who did not make pitiable complaints? There was no resemblance in this Bill to the case of the Church of England, and yet it was called a "Church Rate Bill." He quite admitted that there might be grievances in exceptional cases, but they were comparatively few, if they were to take the whole of Scotland into consideration. If he saw any grounds for supposing that they had a church rate in Scotland like that of England, he would oppose it. The operation of the existing law was entirely satisfactory. There was an assessment upon small proprietors in respect of their houses and gardens, and sometimes even upon clergymen of other denominations for the support of the Established Church. He would like to see the law limited in that respect. It was only in that way that the law had any operation which might be considered analogous to the church rate of England. If a Bill were introduced for the purpose of removing that—and it was the only grievance which, in his opinion, existed—he would be very happy to give it a most favourable consideration. Nay, in order to put this House in possession of full and satisfactory information upon the subject, he would not object to any inquiry to ascertain the incidence of the tax; but he must certainly decline to support this measure, which proposed at once to disendow the Church, and to place its ministers in a position for which they were not prepared.

MR. M'LAREN, in reply, referring to the statement of the hon. Member for the University of Glasgow, that the Act of 1868 had altogether removed the jurisdiction of these cases to the Sheriff, said that was a complete mistake. They were not removed from the jurisdiction of the Church courts until they had first pronounced a decision on the merits. Thereafter they might be appealed to the Sheriff and afterwards to the Lord Ordinary. All the difference was that you now go to the Sheriff of the county, and from him to the Court of Session; but there was no provision in the Act of 1868 for taking these cases entirely out of the hands of the Church courts.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 108; Noes 225: Majority 117.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

WAGES ARRESTMENT ABOLITION (SCOTLAND) BILL.

On Motion of Mr. ANDERSON, Bill to abolish Wages arrestment in Scotland, *ordered* to be brought in by Mr. ANDERSON, Mr. GORDON, Mr. MILLER, and Mr. ARMITSTEAD.

Bill *presented,* and read the first time. [Bill 69.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 10*th March*, 1870.

MINUTES.]—Public Bills—*Second Reading*—Churchwardens Eligibility (28).
Committee—Naturalization (18-31).

CHURCHWARDENS ELIGIBILITY BILL.

(*The Earl Beauchamp.*)

(No. 28.) SECOND READING.

Order of the Day for the Second Reading, read.

Earl BEAUCHAMP, in moving that the Bill be now read the second time, said, that its object was to provide for the election of churchwardens in the case of small parishes, where there were not many occupiers of land. As the law now stood, no ratepayer was eligible for election unless he was also resident in the parish, and the consequence of this restriction, especially since the recent alterations in the law, was that it was frequently difficult to find a person who was both suitable for, and willing to accept, the office. The object of the Bill was to enable non-resident ratepayers of a parish to be appointed churchwardens.

Moved, "That the Bill be now read 2ª."—(*The Earl Beauchamp.*)

The Earl of MORLEY said, it had always been deemed desirable that churchwardens should be resident in the parish, and the noble Earl had adduced no instances of inconvenience.

Earl BEAUCHAMP said, that churchwardens were legally responsible for visitation fees and other charges, while the new law on church rates left it uncertain whether they would be reimbursed by the parish. Hence there was sometimes an unwillingness to accept the office, and this inconvenience would be mitigated if persons who occupied land in the parish, but whose residence happened to be in an adjoining one, were made eligible. In many cases such persons attended the church of the parish where they did not reside.

The Earl of KIMBERLEY said, he saw no necessity for an alteration; but he would not object to the Bill if the condition of being a ratepayer were retained.

Earl BEAUCHAMP said, this was so.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

NATURALIZATION BILL—(No. 18.)

(*The Lord Chancellor.*)

COMMITTEE.

Order of the Day for the House to be put into a Committee on the said Bill, read.

The Earl of CARNARVON said, he desired to draw attention to that part of the measure which enabled a British subject to renounce his allegiance. This was a very considerable change. The doctrine of indefeasible allegiance was interwoven with the whole history of this country, and had led to more than one war. Noble Lords who had spoken in this debate seemed to be of opinion that the doctrine was unreasonable. Now he (the Earl of Carnarvon) did not think it was altogether so unreasonable as it had been represented. Every man had certain claims on the community to which he belonged; but on the other hand he owed to it certain duties and obligations, and though he might abandon the former, it was a question whether he could renounce the latter—at all events without the consent of that community. In former times not much practical inconvenience, he believed, was felt, there being facilities for acquiring a second nationality for commercial purposes; but one could not be blind to the fact that the present facilities of communication and intercourse with other countries—and especially with a great English-speaking country like the United States—had materially altered the position of the question. Emigration was a completely new feature of modern society; and there was considerable force in the argument that a country which sanctioned and even encouraged emigration ought not to carry its public law too stringently and closely into its relations with other States. Doubtless, there was a difficulty, also, from the growth of a large naval Power like the United States; and this question, which was partly the cause of the War of 1812, would probably again cause embarrassment under similar circumstances. The experience, too, of the late Civil War in the United States had shown that under the present law persons who had acquired a double nationality would desire to obtain the advantages of both while accepting the burdens of neither. While thinking, therefore, that the old doctrine had hardly had justice done to it in the debate on the second reading he could not shut his eyes to the facts as they exist; and if a man was to be allowed to renounce his allegiance he did not know that a better mode of accomplishing this object could be adopted than that provided by the Bill. It was true the new doctrine would be more favourable to new countries than to old; but the latter would be benefited by their relations in this respect being placed on a clearer basis. It might perhaps be an advantage if, by efflux of time, a man could divest himself of nationality; but he apprehended that, whatever term of this kind might be fixed it would be too short in some cases and in others too long. He thought, therefore, the noble and learned Lord on the Woolsack had done wisely in cutting the knot by allowing a subject who chose to do so to renounce his allegiance. As to the resumption of nationality, he doubted whether, if the citizenship of a great country like this was really a precious possession, a man should be able to take it on and put it off as if it were an old garment, *toties quoties* according as it suited his convenience. He would suggest that a man should not be at liberty to return to his original nationality more than once. As to the mode of repatriation, which he understood to be the same as that of the naturalization of a born alien, this was probably the simplest method. In other respects he heartily concurred in the Bill, and thought it was very wise to introduce it in a time of peace, when it could not be said that the change was due to any external pressure.

House in Committee.

Clause 1 (Short title), *agreed to.*

Clause 2 (Capacity of an alien as to property).

LORD WESTBURY, who had given notice of the following Amendments:—

Line 18, after ("United Kingdom") insert ("or qualify an alien, unless and whilst permanently resident in the United Kingdom, to be the owner or part owner of a British ship")

Sub-section 1, omit lines 19 and 20.

Sub-section 2, line 21, after ("that this section") insert ("shall not qualify an alien for any office or for any municipal or Parliamentary franchise")

Line 21, leave out ("shall not") and insert ("or")

Page 2, line 3, after ("this Act") insert the following:—"(4.) That it shall be lawful for Her Majesty in Council by proclamation to suspend the operation of this Act as to aliens subjects of any state at war with Her Majesty during the continuance of such hostilities, except such of the said aliens as were settled residents in the United Kingdom before the commencement of such hostilities, and intend to remain permanently resident within the realm."

said, that by the Bill as it stood an alien, even though he were the subject of a State with which this country was at war, would be entitled to all the privileges of natural-born subjects. It was a question whether there should not be some restriction. He hoped to see the time arrive when a state of war would not be permitted to affect the title or enjoyments of private persons; but it would be right to invest the Government with power to impose a restriction, and he therefore proposed to insert a proviso that it should be competent for Her Majesty by proclamation to suspend the operation of the Act as to alien subjects of any State at war with Her Majesty during the continuance of such war. He thought there would be an inclination in courts of justice to construe the enactment as confined to alien friends; but he believed this was not the intention of the framers of the Bill, and if so it would be necessary to fortify this power. He wished also to propose a proviso that the clause should not qualify an alien, unless while permanently resident in the United Kingdom, to be the owner or part owner of a British ship. As the Bill stood it would allow an alien to enjoy real and personal property of every description except the ownership of a ship, the restriction imposed by the Merchant Shipping Act being retained. Now, nothing was a greater inducement to foreigners to settle in this country than the opportunity of engaging in trade and acquiring an interest in British ships, and the restriction which he suggested would be quite sufficient.

THE LORD CHANCELLOR said, it appeared to him to be impossible to assent to the last Amendment proposed by the noble and learned Lord. The question of aliens becoming owners of British ships was quite distinct from the subjects dealt with by this Bill, and was regulated by the Merchant Shipping Act. That Act was framed with great regard to our highest national interests, and had been carefully considered from time to time. It was even now under the consideration of the other branch of the Legislature, in the form of a Bill proposed with the object of consolidating the whole of the laws relating to the subject. He thought it would be more expedient that a question such as that proposed by his noble and learned Friend should be brought forward when the subject was under the consideration of Parliament in all its bearings, and then if it were approved it would be embodied in an appropriate Act. But he doubted the propriety of introducing such a change in a Bill relating like this to a distinct branch of legislation. His own opinion was, that a provision to allow aliens to be registered as owners of British ships was one of all others most likely to lead us into conflict with other countries. It was not at all probable that any other country would recognize, for instance, a vessel owned by a Frenchman resident in England as a British vessel. Difficulties would be constantly rising. We had already had some experience of the difficulties likely to arise on this subject in our war—not a very formidable one to be sure—with China respecting a lorcha which was owned by a Chinaman but claimed to be treated as a British vessel. He could not therefore assent to the Amendment on this point. He did not see any objection to introducing a clause of somewhat the same effect as that proposed with reference to the position of aliens during hostilities: but it would be better to leave out the words "by proclamation," and make the clause read thus—

"It shall be lawful for Her Majesty in Council to suspend the operation of this Act as to any enjoyment of property by alien subjects of any State at war with Her Majesty during the continuance of such hostilities."

To provide for the suspension of the operation of the Act in general terms might lead to the raising of legal questions with regard to the position of the alien during that suspension. He would also prefer to a stop at the word "hostilities," and not add any words, as suggested, limiting the application of the clause to aliens who had become settled residents in this country. He thought such a limitation would give rise to an abundant crop of litigation.

Lord WESTBURY said, he was willing to accept the terms suggested by his noble and learned Friend. He might remark, however, that no alien who was resident at the time hostilities broke out was ever disturbed in the enjoyment of his property. With regard to the ownership of shipping, the conflict apprehended by his noble and learned Friend was equally possible under the Merchant Shipping Act, but he did not wish to press any Amendment to which the Government objected, and he would, therefore, withdraw that part of his proposal.

Then the following proviso *added:*—

"(4.) That it shall be lawful for Her Majesty in Council to suspend the operation of this Act as to any enjoyment of property by alien subjects of any State at war with Her Majesty during the continuance of such hostilities."

Clause as amended, *agreed to.*

Clause 3 (Power of naturalized aliens to divest themselves of their status in certain cases), *agreed to.*

Clause 4 (Alien not entitled to jury *de medietate linguæ*), *agreed to.*

Clause 5 (Capacity of British subject to renounce allegiance to Her Majesty).

Lord WESTBURY, who had given notice of the following Amendments in this clause:—

Page 2, line 31, leave out ("and not under any disability, voluntarily")

Line 40, after ("this Act") insert ("having obtained the consent of the Government of such foreign state")

Page 3, line 3, after ("to be") leave out ("and to have been continually")

desired to draw attention to an extraordinary anomaly which the Bill would not remove. As the law stood the child of alien parents, if born in this country, was a British subject. Now, in almost every other country in Europe, and also, with the exception of the United States, in America, the nationality of a child depended on that of its parents, and not on the accidental locality of its birth. Not only would the Bill continue this anomaly, but this clause would not enable such a child to divest himself of his allegiance to the Crown of Great Britain; for, as by the law of the country to which his parents belonged he would be a natural-born subject of that country, he could not obtain naturalization there. Thus the very class who most required the benefit of the clause would be unable to take advantage of it. To remedy this he proposed the omission of the words from page 2 line 31 "and not under any disability, voluntarily."

THE LORD CHANCELLOR said, he could not quite follow the argument of his noble and learned Friend. The case put by him was that of a person who, being born, say in this country, of French parents, was regarded by us as an Englishman and was regarded by our neighbours across the Channel as a Frenchman. His noble and learned Friend affirmed that a person in that position was incapable of being naturalized, or of transferring his allegiance from the one country to the other, in so far as that he could not be naturalized in England, being an Englishman, and could not be naturalized in France, being a Frenchman. But that he (the Lord Chancellor) believed was a difficulty which would be ultimately resolved by the Bill; because when a man became naturalized in a foreign country he would cease to be a citizen of this country. What his noble and learned Friend chiefly wished to see effected, however, could only be done by special treaties between nations, and could not be effected by any legislation in England. It was on that account that this Bill was confined to naturalization as distinguished from nationality. Nationality could only be dealt with by treaty—when we had brought ourselves so completely *en rapport* with other nations that we could agree upon some common system of legislation. All that Great Britain could do meanwhile was to take a step in the right direction —in the direction proposed by this Bill —and thus induce other nations to act similarly. With the view of helping forward this consummation, the Bill declared that when a person voluntarily became naturalized in another country he should cease to be a British subject. He hoped that other nations would be by this example induced to act likewise. The good results of some such measure as that before the House were already visible in the Protocol of the United States, in 1868, which adopted the principle that citizens of that country upon becoming naturalized in foreign countries, shall cease to belong to the States. That was also an example which he hoped would be largely followed. He could not, however, see how this desirable end was to be promoted by the adoption of the course proposed by his noble and learned Friend. His noble and learned Friend wanted to strike out the word "voluntarily;" but that could not be done without injustice. In several of the Southern States of America men were naturalized against their will by acts of the Legislature, and it would naturally be grossly unfair to refuse to receive back as citizens persons who had been compelled to cast off their allegiance to this country if they came asking us to be reinstated in their privileges. In Russia, again, up till the year 1862, no man was permitted to carry on business without being naturalized, and although this was no longer insisted on, the alteration was not made retrospective, so that not an inconsiderable number of merchants remained in this position; and in Prussia the case was still stronger—there no person could hold a consular or other diplomatic position in a fortified town unless he were naturalized. A practical result of this had occurred—an Englishman who had acted as Consul in Prussia and who had necessarily been nationalized, was afraid to let his sons visit him in Prussia because they would be liable to the conscription. He held, therefore, that in all cases where persons had been naturalized against their will, and where married women and children sought to be reinstated in their rights in this country, the Government should have power to grant their request. There was another thing which the Government proposed to do. It proposed to give persons who had been naturalized abroad previous to the passing of the measure—and who, according to the present law, were still British subjects—two years to choose whether they would remain foreign subjects, or return and reclaim their citizenship in England. That was a point upon which he thought there could be no real difference of opinion; for up to this time when a man asked for naturalization abroad he knew that he would remain a British subject, and it would be unjust by *ex post facto* legislation to deprive him of that privilege. The measure could only be made perfect by agreement with all foreign States, but a great step was made by pointing out to other States the principle we deemed most expedient for adoption—namely, that as soon as a man was naturalized in one country he ceased, *ipso facto*, to belong to another.

Lord WESTBURY said, he must continue to express his regret that the hardship of imposing nationality by the accidental place of birth would not be removed by the Bill; but he accepted the instalment of right which it offered. Passing on to another point he would urge that naturalization ought not to be given to a foreigner without the consent of his own country. This might cause some difficulty in cases where the law of a country did not permit its subjects to be naturalized elsewhere; but these countries were very few, and most European countries were characterized by greater liberality than ourselves in this matter. They ought not to take a subject from another State without the consent of that State. If they did, they created a double nationality and produced that species of conflict which it ought to be the object of that Bill to remove. He therefore earnestly trusted that the clause would be so framed as to provide that no naturalization of a foreigner should be effected without the consent of the Government of the country to which he belonged.

Lord PENZANCE said, it was a principle of the Bill, and a most desirable object to be attained, to get rid of what was called double nationality; and he would put it to his noble and learned Friend, who had charge of the measure, whether a clause might not be brought up on the Report to obviate some of the difficulties so clearly pointed out by his noble and learned Friend (Lord Westbury) in the course of this discussion. This case was not an unfrequent one—The child of a foreign parent was born in this country, and from the moment of his birth he became, without any will of his own, a subject of two different countries—there were impressed on him a double allegiance and a double nationality. As the Bill stood at present, he believed he was correct in saying that a person so born had no means of getting rid of his double nationality, however desirous he might be of doing so. Surely it would not be difficult to draw up a clause that would enable a person so born on whom a double nationality was fixed to withdraw himself from his allegiance to this country if he wished to do it. He did not think there would be the slightest harm in a provision of that kind.

The LORD CHANCELLOR said, that the discussion had opened a very important question, on which he had the misfortune to differ from his noble and learned Friends. The Bill, as now framed, ran thus—That an Englishman by acquiring foreign naturalization lost his natural status in this country. He might, if he liked, "repatriate" himself at a subsequent time, being treated as an alien in that respect—he might reacquire his original status by being naturalized on his return to this country, just as a foreigner coming here to live might be. Further than that, it was proposed, in other parts of the Bill, that foreigners settling in this country might be naturalized. But by the Amendment of his noble and learned Friend (Lord Westbury) such a foreigner must obtain the consent of his own country before he could be naturalized here. His noble and learned Friend rested his proposition on the comity of nations and on the inconvenience of the double nationality—considerations of the importance of which the Government were fully sensible—and his noble and learned Friend plausibly asked why they should not require the assent of the foreign subject's nation, and then all would go smoothly, and there would be no further difficulty in regard to that man's status. But he (the Lord Chancellor) would put this case—There were countries, even in the present day, which declined altogether to allow their subjects to accept foreign naturalization and to become the subjects of a foreign State. All those States which adopted the Code Napoleon were in this position—that, after the naturalization of their subjects in a foreign country, their natural status in the country from which those persons proceeded was lost. But there were other countries, such as Prussia, and other States in Germany, where a different law prevailed—they refused to permit any such rejection of this allegiance by their subjects. The question, therefore, came to this—whether we were prepared to refuse every foreigner who could not obtain previous leave from the country of his origin the right of naturalization in England. What would that principle involve? Heretofore, we had opened our gates wide to all the persecuted in all parts of the globe, and there had been times in which it would have been impossible for those who sought refuge on our shores from what they conceived to be the persecution of their own Governments to obtain the consent of those Governments to their settling here. Such consent might, for example, have been refused by Russia in regard to the Poles, and other Powers of Europe might have taken the same course. Not many years ago serious difficulty was apprehended with France in connection with the Orsini affair, in respect to our receiving in our bosom those who had fled hither from other countries. Yet no evil consequences had ever befallen us as a retribution—if such a term could be properly used in such a case—for the hospitality we had given to strangers. And when an attempt was made to modify, in some degree, that hospitality, the Bill that was introduced at first with general approbation was afterwards, upon due consideration, withdrawn. He remembered on that occasion hearing an eloquent speech made in "another place" by a noble Lord, now a Member of that House (Earl Russell), in which he quoted against the Bill those fine lines of Waller—

> "Whether this isle were by convulsion rent
> Of the rude ocean from the continent,
> Or so created, surely 'twas designed
> To be a sacred refuge for mankind."

Now, he apprehended that neither House of Parliament would be ready to part with that great distinction—the hospitality this country extended to all coming from every land who were in trouble or distress. But if we opened to them our hospitality should we say that they were to be incapable of becoming our fellow-subjects if they desired it? For we could not expect them always to obtain the consent of the countries from which they came. Could we tell them we would have nothing to do with them beyond affording them shelter for a time—that they could not remain and settle among us as citizens? What, under such a rule, would have become of all the Huguenot families who came over here on the revocation of the Edict of Nantes, and who had produced some of the ablest men in this country from that time—men some of whom might be mentioned as sitting in that House with honour? It was not likely that those refugees would have obtained leave from the Government of Louis XIV. to become naturalized in England. He trusted, therefore, that their Lordships would not shut the door against the possibility of foreigners being naturalized in this country unless they could procure the assent of the State from which they came. That subject had been well weighed by the Government, who had acted on the well-considered Report of the Commissioners. From that Report it would be found that the countries from which the greater number of foreigners proceeded who would be naturalized here were countries where the cessation of a subject's original status was not permitted. When the matter came to be considered, it would be a serious thing to deny such persons naturalization when they desired permanently to settle in this country. The proper course, he conceived, for the British Parliament to take was to advance as far as possible in the direction it thought was right, without wishing to force its views on other nations; to be ready to enter into treaty arrangements with other nations on the subject, and to trust to the effect of example, and such reasons as we were able to give for the views we adopted for the ultimate extinction of the evil of double nationality. But for the sake of that object we ought not to commit gross injustice to those who might desire to become our naturalized subjects.

Lord WESTBURY said, he had the greatest disinclination to do anything like injustice to a foreign State; and we should give great occasion for animosity if we received citizens from other countries and converted them into our subjects against the will of their own Governments. That was more than mere personal refuge demanded, and it would create ill-feeling and possible hostility towards us on the part of other States. We might, for instance, accept and naturalize a rebel, and in that case a war might follow. What was naturalization? It was, as far as was practicable, to rob another country of its natural-born subjects. They could abstain from doing that; and, therefore, it was that he pointed out the evil of that Bill. At present, their naturalization was harmless, because they limited it to their own shores; but by that Bill they would at once raise a controversy between themselves and the State from which they took improperly its natural-born subject. He regretted very much that the matter had been brought forward in a piecemeal manner, and if the Report of the Commissioners had been followed the anomalies and the difficulties which he had mentioned would have been obviated.

THE EARL OF DERBY said, there was one point not adverted to by the noble and learned Lord (the Lord Chancellor), which seemed to create a difficulty in the adoption of the Amendment of the noble and learned Lord who had spoken last, and that was that certain Continental countries made expatriation dependent on naturalization. They made expatriation subject to the condition that the person who had gone to another country should be there naturalized. If the Amendment of the noble and learned Lord was adopted the effect would be to produce a dead-lock; we should be waiting for them, and they waiting for us; and the result would be that we should be unable to naturalize one of their subjects.

Amendment, by leave of the House, *withdrawn.*

Clause *agreed to.*

Clause 6 (Certificate of naturalization).

LORD PENZANCE moved, after the word "alien," to insert "not being an alien enemy," his object being to prevent the operation of the clause in the case of the subject of a State with which we were at war. In fact, he would suspend the operation of the naturalization system during the continuance of the war.

THE LORD CHANCELLOR said, there was no great objection to the Amendment, though he thought it better to have the matter left to the discretion of the Secretary of State. A person might unfortunately be so situated as to come under the disability suggested by his noble and learned Friend, and yet be the warmest friend of this country.

Amendment *withdrawn.*

LORD WESTBURY said, that the clause as it stood required that an alien should have resided in the United Kingdom, or have been in the service of the Crown for five years, before obtaining naturalization. He asked would it be wise to lay down an iron rule that there must be a period of five years?

THE LORD CHANCELLOR explained that the reason why five years was adopted was that the United States required five years for naturalization, and he had been told that a period of ten years' expatriation from Prussia had been reduced to five. If we should make treaties with these States it would be well to have the same term of years. However, there was no objection if it were thought desirable to reduce the number of years.

THE EARL OF CARNARVON said, that the difficulty he found in the case was that it might occur from time to time that a Secretary of State might exercise the power vested in him under the clause as a matter of form, and the reduction of the period from five years to three might lead to that result.

THE EARL OF KIMBERLEY said, the drift of the clause was, not that the Secretary of State was to exercise a discretion in each particular instance, but that he might make an order which should declare that the term required should be not less than three, five, six years, or more, as the case might be. But the advantage of the Amendment was that it would make the clause more elastic, and in coming to terms with foreign countries we might reduce the time if we pleased.

Then the word "five" was struck out, and "three" *inserted* in lieu thereof throughout the clause.

Clause further amended, and *agreed to.*

Clause 7 (Certificate of re-admission to British nationality) *agreed to.*

Clause 8 (Power to cancel certificates of naturalization, and of re-admission to British nationality).

LORD WESTBURY, who had given notice to move in page 5, line 20, after ("certificate has") leave out ("acted in a manner inconsistent with,") and insert ("violated,") said, that according to this clause any certificate of naturalization or re-admission to British nationality granted by the Secretary of State or the governor of any colony might be revoked, "on its appearing" to the Secretary of State or the governor of the colony that the persons who had obtained the certificate had resided out of Her Majesty's dominions for a period exceeding two years, or "had acted in a manner inconsistent with his allegiance as a British subject." These words were so wide and so loose that it was impossible to make any man's personal status to depend on them. Suppose the man attended a meeting where the conduct of the Government was discussed, or that he wrote an article in a newspaper condemning it, was his certificate to be cancelled because it might appear to a Secretary of State that he had acted in a manner inconsistent with his allegiance? He (Lord Westbury) knew nothing which would justify this course except violation of allegiance. Was it intended to say that a man had power to take away the personal status of another because he was of opinion that the other had acted in a manner inconsistent with his allegiance? That would be a most objectionable provision, and would give a kind of discretion which that House could never approve.

LORD PENZANCE agreed that it would not be wise to confer upon an irresponsible Secretary of State the arbitrary power to rule, that any naturalized subject had forfeited his allegiance, and must therefore be deprived of his certificate.

THE LORD CHANCELLOR said, he thought a somewhat strained interpretation had been put upon the words of the clause. He was of opinion that the English Government had a right to lay certain conditions upon those who came to this country to be naturalized. Foreigners had not been educated to English views as to what allegiance consisted of, and he therefore thought it right there should be some power of saying whether or no allegiance had been forfeited, vested in the person intrusted with the granting of the certificates of naturalization. He admitted that the phrase used in the clause was somewhat vague, because no specific act was mentioned as having to be committed before allegiance could be forfeited; but they had, as security that the power would not be used recklessly, the fact that the Secretary of State would be liable to have his acts questioned in Parliament, and, if wrong, set right.

THE EARL OF DERBY thought the power proposed to be given to the Secretary of State to be of a very absolute character. As the Bill proposed to place naturalized subjects on the same footing with British-born subjects, the same law should apply to both classes.

THE EARL OF CARNARVON said, he should like to know if it was seriously intended that all governors of colonies should have the same power of declaring allegiance forfeited that it was proposed to give to the Secretary of State at home.

LORD HOUGHTON thought the clause proposed to confide to the Secretary of State a very transcendental power —more than ought to be entrusted to any man. He held that the law was strong enough, and that a great deal of the grace of the Bill would be taken away if it was attempted to deal differently with naturalized than with British-born subjects.

LORD PENZANCE said, the scope of this Bill was to give to naturalized persons a far higher status than had been before enjoyed by that class. The Commissioners recommended that the naturalization granted should be full and completed. Up to the present time, naturalized foreigners had not been allowed to sit in Parliament, to become Privy Councillors, or to hold certain high offices of State; but the present Bill proposed to confer upon foreigners all the rights of British subjects, not excluding those to which he had just referred. This being so, he thought it would be a very arbitrary mode of dealing that a Secretary of State should hold in his hand the power, unfettered even by right of appeal, to say that "it appears to him" an individual has forfeited his allegiance, and must therefore have his certificate withdrawn. The great object of the Bill being to throw the door open wide to foreigners, they should do so in no niggard spirit, but allow foreigners to come and reside in England, not merely as refugees, but, as far as it might be, as British subjects.

LORD HOUGHTON pointed out that the Prime Minister might be a naturalized foreigner, and the Secretary of State might have the power, if so disposed, to reduce so high an officer in the State to the position of an alien.

THE LORD CHANCELLOR said, that after the expression of opinion by so many noble Lords on the subject of this clause, he would reconsider the subject, and would state the decision arrived at when the Report was brought up.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

The Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed* as amended. (No. 31.)

LANDLORDS AND TENANTS IN ENGLAND AND SCOTLAND.

MOTION FOR RETURNS.

Lord ORANMORE and BROWNE, in moving an Address for Returns touching the relations between Landlords and Tenants in England and Scotland, said, he had hoped it would not be necessary for him to trouble their Lordships with any remarks; but as he feared that his request for those Returns was not to be granted, he should have very shortly to state his reasons for asking them. In "another place," the differences between English and Irish landlords had been much dwelt on. He did not think the differences of opinion existed to the same extent that they had been represented; but if they did, he thought that by the production of the Returns for which he asked, the Irish landlords would have an opportunity of learning how to amend the treatment of their tenants, if in a little time they had any property left them. He disclaimed any intention to attack by his Motion the English and Scotch landlords—he certainly had no desire that, if an injury was done to Irish landlords, it should extend to the same class in England and Scotland; but, at the same time, he thought the English landlords must wilfully shut their eyes to the facts if they believed that privileges would be granted to the poor tenants in Ireland and refused, in some shape or other, to the industrious farmers of Great Britain. The English and Scotch landlords ought to support him in his Motion, for the reason that the Returns, if obtained now, would be free from bias; whereas, he must say that the tone of the Returns that had been laid before the other House had, in many instances, been determined by the wish that they should suit the provisions of the Bill which Her Majesty's Government had just laid before Parliament. He could hardly believe that any objection, on the score of expense, would be put forward by Her Majesty's Government, for great expense had been freely incurred in procuring Returns to make out a case against Irish landlords, which they had altogether failed to do. The two allegations most commonly made had completely fallen to the ground—the first, that Irish landlords were guilty of robbing their tenants of the improvements which they made, having been refuted by the great spokesman of the Irish tenants, Mr. Butt himself, who acknowledged that virtually these improvements had not been made; and the second, that the rents were too high, was disposed of by the fact that Irish land, relatively to its value, was the lowest let land in Europe. Legislation was assumed to be necessary in Ireland, because the incoming tenant had been allowed to deal with the outgoing tenant, and the landlord had not seen exactly what the payments were which passed between them. But this, he believed, was a very common custom both in England and Scotland; and, therefore, if it afforded a basis for legalizing tenant-right in Ireland, sooner or later the same argument would be applied to the rest of the United Kingdom. In fairness and justness to Irish landlords, he hoped the Government would grant these Returns, and so enable the country to judge of their relative positions.

Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that through the instrumentality of the Poor Law Board, or such other department as may be most convenient, the same queries (with proper modifications) may be issued touching the relations of Landlords and Tenants in England and Scotland which have been issued to the Poor Law Inspectors in Ireland relating to Agricultural Improvements in Ireland, and the answers to which have been laid before both Houses of Parliament in the present Session, and that the answers to such queries so to be issued may be communicated to this House. —(*The Lord Oranmore and Browne.*)

Earl GRANVILLE said, that the Irish Returns to which the noble Lord had alluded were collected at considerable expense and trouble; but Her Majesty's Government thought it well worth while to obtain them even at large cost, being at the time engaged on the preparation of the Bill upon the subject of land which has since been introduced into the other House, and the varied information which those Returns afforded had been placed at the disposal of Parliament. But to propose to incur the same trouble and expense in England would, in the first place, create a certain amount of alarm among the occupiers and landlords here. Her Majesty's Government had not the slightest intention of introducing a similar Bill for England, and they would, therefore, be giving trouble to officers, and incurring expenditure for an object which would not, in their opinion, justify Her Majesty's Government acceding to the Motion.

On Question? *Resolved* in the *Negative.*

House adjourned at Seven o'clock,
till To-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 10*th March*, 1870.

MINUTES.]—NEW MEMBER SWORN.—Ralph Osborne, esquire, for Waterford City.
SELECT COMMITTEE—Houses of Parliament (New Refreshment Rooms), *appointed.*
PUBLIC BILLS—*Ordered—First Reading*—Medical Officers Superannuation* [70].
Second Reading—Irish Land [29], *adjourned debate resumed and further adjourned;* Income Tax Assessment and Inland Revenue Law Amendment [63].
Committee—Report—Coinage (*re-comm.*) [51].

IRELAND—UNION RATING.

QUESTION.

MR. M'MAHON said, he wished to ask the Chief Secretary for Ireland, What course he proposes to take with regard to Union Rating?

MR. CHICHESTER FORTESCUE said, in reply to the Question of the hon. Member, he had to state that, after a great deal of consideration and consultation with Irish Members, he had come to the conclusion that the best mode of dealing with this important subject was that he should move, on the part of the Government, when the state of Public Business would permit, for a Select Committee to consider it. The subject was one of great gravity for Ireland, and considerable differences of opinion were entertained with respect to it. He believed that the object of the hon. Member would be fully answered by the matter being referred to a Select Committee.

GAME LAWS.—QUESTION.

MR. HARDCASTLE said, he would beg to ask the Secretary of State for the Home Department, Whether the Bill for the Amendment of the Game Laws, to be brought in by the Government, will include England as well as Scotland?

MR. BRUCE said, in reply, that the Bill proposed to be brought in by the Government would only refer to Scotland; but he saw no reason why its main provisions should not be extended to England.

METROPOLIS—TREES IN THE PARKS.

QUESTION.

MR. EASTWICK said, he wished to ask the First Commissioner of Works, If he has observed that a number of elms, oaks, beeches, and plane trees in Kensington Gardens and St. James's Park have been maimed and decapitated so as to have become a deformity instead of an ornament in the public parks; and whether he will give orders to prevent this process in future, and replace the mutilated trees with young plants?

MR. AYRTON said, in reply to the Question of the hon. Member, he was afraid that the trees in the parks were not exempted from the law of nature under which trees in general flourished and decayed, and he entertained the opinion that when a tree exhibited signs of decay it was better to lop off the decayed branch rather than cut the whole tree down; and that treatment had the advantage of preserving the rest of the tree for a considerable period. He was afraid that no better course than that he had indicated could be pursued, unless the hon. Member could point out some way to make the trees everlasting.

IRELAND—POWERS OF COUNTY CORONERS.—QUESTION.

MR. BRUEN said, he wished to ask the Chief Secretary for Ireland, Whether it is the intention of the Government to propose, during the present Session, a change in the Law which regulates the duties and powers of County Coroners in Ireland, of their Courts, and the mode of their appointment? He further wished to know, When the right hon. Member would move for the Select Committee on Union Rating in Ireland?

MR. CHICHESTER FORTESCUE said, in reply to the Question of the hon. Member, he had to state that there was at that moment a Bill before the House upon the subject of the powers of County Coroners in Ireland, introduced by the hon. Member for Armagh (Mr. Vance), to which, of course, the Government would give every consideration; but he was not prepared, on the part of the Government, to say that they saw any prospect of dealing with this particular subject this Session. In reply to the latter part of the hon. Member's Question, he begged to say that he should move for a Select Committee upon the subject of Union Rating in Ireland at the earliest time that the pressure of Public Business would permit.

ARMY — PURCHASE OF COMMISSIONS.

QUESTION.

Lord EUSTACE CECIL said, he would beg to ask the Secretary of State for War, Whether his attention has ever been called to the following paragraph, page 21, of the Report of the Royal Commission appointed to inquire into the system of Purchase in the Army, in which the following words occur:—

> "The price to be paid for Commissions was considered and reported upon by a Board of General Officers in the year 1821. It is, however, admitted that during a period of peace the regulations, although stringently worded with the addition of a severe penalty for the infraction, are yet habitually neglected, and the price paid, except in the purchase of the first Commission, almost invariably exceeds the price fixed by authority. An experienced Army Agent has stated that in the Cavalry any sum under double the regulation price may be considered very reasonable. In former years a declaration was required from Officers that they had not given more than the regulation price, but this was evaded, and, therefore, discontinued. The practice therefore of paying sums exceeding the regulation price must be considered to be an accompaniment of the purchase system, which it appears impossible to prevent;"

whether, with that Report in existence, the authorities at the War Office or at the Horse Guards can, in his opinion, be said to have been or to be officially ignorant of the fact that Officers in all the Purchase Corps of the Army have been in the habit of paying over regulation money for their promotion; and, whether it is not true that Circulars have been lately sent round to Officers commanding Cavalry Regiments requesting them to send back a return of the amount of money they have paid for their Commissions over the regulation price?

Mr. CARDWELL: Sir, I am quite aware of the large pecuniary interest involved in the general question of the over-regulation prices, and in making the present proposal with respect to

subaltern officers I had no intention of raising that general question. Everybody knows that over-regulation prices are given; but in consequence, I presume, of the stringent provisions of the Act of Parliament, even the agents disclaim official knowledge upon the subject. The experienced agent to whom reference has been made, Mr. Hammersly, in answer to Question 930, stated that his knowledge was entirely derived from private and confidential communications, and that they did not officially know anything but the regulation price. His Royal Highness the Field Marshal Commanding-in-Chief has repeatedly given the same answer, and in my reply to the noble Lord I made the same distinction. As to the circular, I have never issued any such document, and nothing is known of it either at the War Office or Horse Guards.

Major ANSON said, he would beg to ask the Secretary of State for War, If it is true that the War Office has received in the last eight years a sum of half a million sterling from the purchase Officers; if the whole of that money has been applied to their benefit, and, if not, to what purposes it has been applied; and, whether it is true that notice has been given to half-pay Officers that they cannot be allowed to sell, as there are no funds to meet the cost of their Commissions?

Mr. CARDWELL: The receipts, Sir, of the Reserve Fund in the last eight years have been over £700,000. They have been applied to the purposes stated in the accounts annually laid before Parliament, and described in the Report of the Committee of which the First Lord of the Admiralty was a member. They were not always exclusively for the benefit of the purchase officers. The fund was last year, for the first time, submitted to the control of Parliament. In 1861 a regulation was made, by which, when the state of the fund would permit, half-pay commissions were to be purchased. The recent reductions in the Army have caused the fund to diminish, so that the power of purchasing half-pay commissions has for the present ceased. The regulation expressly says—

> "As the funds at the disposal of the Secretary of State are limited, when the funds are expended no further sales will be allowed."

TOLL-PAYING BRIDGES.—QUESTION.

VISCOUNT ENFIELD said, he would beg to ask the hon. Baronet the Member for Lambeth, Whether it be true that the joint Committee for freeing from toll Kew Bridge and other bridges, under the Act of 1869, have selected the Kingston Bridge in preference to the other four bridges — viz., Kew, Hampton Court, Walton, and Staines; and, whether he can state why the Act of 1869 (for accelerating such freedom from tolls) has been put in force for one bridge only, to the exclusion of the other four bridges?

SIR JAMES LAWRENCE said, in reply, that it was quite true the Committee had decided to open Kingston Bridge free of toll, and this would be done at the end of the present week. He could not admit the correctness of the statement, that because one bridge had been selected as the first to be free from toll the decision necessarily excluded others. As a matter of fact, the owners of other bridges had been communicated with, and as soon as the arrangements could be completed these other bridges would be opened also. The Committee were most anxious that no delay should occur in opening the bridges as was intended by the Act of Parliament.

EALING LOCAL BOARD.—QUESTION.

MR. W. M. TORRENS said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that the Local Board of Health at Ealing, on the 4th instant, at a meeting held pursuant to the Public Health Act of 1848, passed a resolution excluding the Press and the Local Board Ratepayers from their Board Room; whether any Secretary of State has confirmed or allowed any by-law of a Local Board of Health authorizing its meetings to be held with closed doors; and, whether, considering the important powers committed to such Boards by the Act aforesaid, together with the provisions rendering the members of such Boards eligible for re-election, and prohibiting them from holding any office of profit, or participating in profits of any contract under or with such Board, Boards of Health are not public Courts or Boards?

MR. BRUCE said, in reply, that he had received a communication from the clerk of the local Board at Ealing, informing him that he had advised the Board that the Press had no legal right to be present at its meetings, but that their admission was entirely at the discretion of the Board. In answer to the second Question, he (Mr. Bruce) was not aware that any Secretary of State had ever confirmed or allowed any by-laws authorizing local Boards to hold meetings with closed doors. In reply to the third Question, although Boards of Health were, in a popular sense, public Boards for public purposes, they were not so in a technical and legal sense.

ARMY—PROMOTION IN THE ARTILLERY AND ENGINEERS.

QUESTION.

MR. STACPOOLE said, he would beg to ask the Secretary of State for War, Whether his attention has been called to a statement prepared by Mr. Sprague, Vice President of the Society of Actuaries, showing that, under the present rules of promotion, Officers in the Royal Artillery and Royal Engineers will in a few years have no chance of obtaining the rank of Second Captain till they are forty years of age; and, whether he is prepared to bring forward any measure for rectifying so unsatisfactory a state of affairs?

MR. CARDWELL: I stated, Sir, the other night that I had had a great deal of discussion with my right hon. Friends the Chancellor of the Exchequer and the First Lord of the Admiralty on the subject of retirement; that it was a much more complicated question in respect of the Artillery and Engineers than of the Marines; and that a further financial inquiry is in progress under my hon. and gallant Friend the Member for Truro (Captain Vivian).

SITE OF THE MINT.

QUESTION.

MR. J. B. SMITH said, he would beg to ask Mr. Chancellor of the Exchequer, as the prospective Master of the Mint, Whether Her Majesty's Government have any intention of removing the Royal Mint from its present site on Tower Hill?

The CHANCELLOR of the EXCHEQUER: Sir, I hope I may answer my hon. Friend's Question without assuming a title which I do not possess. We have five acres of land on Tower Hill, occupying what we may call a most eligible situation; three acres of it only are taken up with Mint buildings, and the other portion is occupied by a very excellent tenant, Sir Anthony Rothschild, for purposes of refining. We think it is a waste of public money to keep this large tract of land, and we hope to mature a plan for moving the Mint rather more into the centre of London; and when we do so we shall be very happy to sell this exceedingly eligible allotment of land for a suitable price.

LAW OF MURDER.—QUESTION.

Mr. HIBBERT said, he would beg to ask the Secretary of State for the Home Department, Whether he intends to bring in a Bill this Session to alter and amend the Law of Murder, either by carrying out the unanimous recommendations of the Capital Punishment Commissioners, or in some other manner?

Mr. BRUCE: Sir, I regret to say that it is impossible for me to bring in a Bill during the present Session on this subject.

IRELAND—DISMISSAL OF MR. MADDEN QUESTION.

Mr. HAVILAND-BURKE said, he rose to ask the Chief Secretary for Ireland, Whether it is a fact within his knowledge that an address of sympathy has been presented to Mr. Madden, late a Magistrate of the counties of Monaghan, Leitrim, Cavan, and Fermanagh, and late a Deputy Lieutenant of the county of Monaghan; and, if so, whether that address has been signed by any Magistrate or Deputy Lieutenant of those counties; and, whether it is the fact as reported that such address contained expressions of sympathy couched in language similar in spirit to that for which Mr. Madden was dismissed?

Mr. CHICHESTER FORTESCUE: I believe, Sir, judging from the ordinary channels of information, that an address has been presented to Mr. Madden, signed by a considerable number of Irishmen. As to whether that address contains expressions couched in language similar to that for which Mr. Madden was dismissed I cannot inform the hon. Member; and I must add that it was not my duty to inform myself on the part of the Question respecting these particular expressions, because the case raised by this address is of a totally different character from that raised by the case of Mr. Madden. Everyone, magistrate or not, is allowed, in his capacity as a private person, to use expressions, however peculiar or however strong, as to the conduct of the Government; but the expressions used by Mr. Madden were made use of in an official document in answer to an official letter from the Lord Lieutenant, calling upon him to act as sheriff of his county, and that is a case which must be judged by an entirely different standard from the standard to be applied to cases such as the hon. Member refers to.

CASE OF ELIZABETH HOLT—CONTAGIOUS DISEASES ACT.—QUESTION.

Mr. JACOB BRIGHT said, he would beg to ask the Secretary of State for the Home Department, Whether an English woman of the name of Elizabeth Holt is now or has recently been a prisoner in Maidstone Gaol because she declined to subject her person to the fortnightly inspection of a surgeon; and, whether her refusal or the refusal of any other woman to submit to this outrage would be followed by repeated periods of imprisonment so as to amount practically to perpetual incarceration?

Mr. BRUCE said, with the permission of the hon. Member, he would answer the second Question first. According to the law on this subject, under section 28 of the Act of 1866, any woman subjected by order of the justices to examinations by a surgeon, and refusing so to submit herself, was liable to imprisonment, with or without hard labour, in the case of the first offence, for a term not exceeding one month, and for a second offence three months. In the case of this woman, who lived in Woolwich, she attended fourteen examinations, and was sent to the hospital five times suffering from disease. In January last, after repeated warnings, she neglected to attend the periodical examinations; she was summoned, and sentenced to fourteen days' imprisonment.

ARMY—OVER REGULATION PURCHASE MONEY.—QUESTION.

COLONEL WHITE said, he desired to alter the Question he had placed upon the Paper by the use of the word "deliberating, for "discussing the matter;" for although discussion might be considered as against the spirit of the Queen's Regulations, deliberating as to the future course to be adopted by Officers in the event of the right hon. Gentleman adhering to his official declaration, that he must ignore the official declaration, could not be objectionable. He would therefore ask the Secretary of State for War, Whether he will consent to postpone all discussion upon the question of "Over Regulation Purchase-money in the Army" until those most deeply interested — namely, the Officers in Purchase Regiments—can have an opportunity of meeting and deliberating; and, whether such meeting may be considered to have the sanction and permission of the Commander in Chief and of Her Majesty's Government?

MR. CARDWELL: Sir, I am not aware that I have ever used any expression implying that I am ignorant of the fact that over-regulation prices are paid, though I have said I have no official knowledge on the subject. I have already said that on Monday I will state the course which Her Majesty's Government will pursue, and nothing will be done in the interval to prejudice the case. I have promised to give every attention in my power to the objections which have been raised to my proposal, and to any suggestions that may be made; but any meeting to the prejudice of good order and military discipline will be contrary to the rules of the service, and I must rely on the sense of subordination of my hon. and gallant Friend not to countenance any proceeding of that kind.

NORWICH ELECTION COMMISSION.

QUESTION.

MR. C. S. READ said, he would beg to ask the Secretary of State for the Home Department, When the Minutes of the Evidence taken before the Norwich Election Commissioners will be printed, and in the hands of Members; and, if it be true that no Writ will be issued for the City of Norwich till after an Act has been passed for erasing from the Electoral Roll the names of all those persons who are scheduled by the Commissioners?

MR. BRUCE said, in reply, that the Minutes of Evidence taken before the Norwich Election Commissioners was printed and would be in the hands of Members on Friday. No Writ would be issued for the City of Norwich till after an Act had been passed for erasing from the electoral roll the names of all those persons who were scheduled by the Commissioners; but the Bill for this purpose could not be introduced until after Easter.

ELEMENTARY EDUCATION BILL.

QUESTION.

LORD ROBERT MONTAGU said, he wished to ask the Vice President of the Committee of Council on Education, In which subsequent clause of the Elementary Education Bill the definition of a "Public Elementary School" (mentioned in Clause 5) is to be found?

MR. W. E. FORSTER said, he would beg to direct the noble Lord's attention to Clause 7.

SAVINGS BANKS BILL.—QUESTION.

MR. ASSHETON CROSS said, he would beg to ask Mr. Chancellor of the Exchequer, On what day he will bring on the Second Reading of the Savings Banks Bill?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I hope to get the Coinage Bill through Committee this evening; and with regard to all the other Bills which stand in my name I purpose to put them down for Thursday next, in the hope, which, I confess, is not altogether an assured one, of being able to bring them on on that day.

IRELAND—EXTRA POLLING PLACES.

QUESTION.

MR. STACPOOLE said, he wished to ask the Chief Secretary for Ireland, If he intends to introduce any measure this Session to provide extra Polling Places for Counties in Ireland?

MR. CHICHESTER FORTESCUE, in reply, said, that the question of providing extra polling places for counties in Ireland was one of some importance; and if the necessary time could be found at a later period of the Session, he should be glad to introduce a measure on the subject.

ARMY—RETIREMENT FROM THE ARMY. QUESTION.

Mr. MALCOLM said, he would beg to ask the Secretary of State for War, Whether it is the fact that a Captain of a Line Regiment is now allowed to retire from the Army by the sale of his commission only on the condition of his signing an agreement to allow the War Office to retain for an indefinite period, and without interest, the sum of £450, which he was obliged by the Queen's Regulations to pay for his Ensign's commission?

Mr. CARDWELL: Sir, by the terms of the Warrant an officer retiring by the sale of his commission is not entitled to receive the price until the arrangements for filling the vacancy are sufficiently complete to allow the payments to be made. In the present case where, in consequence of the reductions, no ensign succeeds, the £450 will be paid from public funds, and the Secretary of State will not have those funds at his command until Parliament shall have passed the Vote.

PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTION.

Sir JOHN PAKINGTON: I wish, Sir, to put a Question to the right hon. Gentleman at the head of the Government, in consequence of an Answer we have just heard from the Secretary of State for War, who announced that he should be prepared to state on Monday next what course Her Majesty's Government propose to take with regard to the new regulations concerning the rank of ensign and cornet. Now, I wish to ask, Whether the statement of the right hon. Gentleman will be of such a nature as to involve any discussion; or, whether the arrangement will still hold good under which the Education Bill is the first Order of the Day for Monday?

Mr. GLADSTONE: Sir, we are not able to give any positive assurance as to the latter part of the Question of the right hon. Gentleman until after the close of the debate which we are now about to resume. We cannot say anything absolutely with regard to the Education Bill until to-morrow. The Answer of my right hon. Friend the Secretary of State for War was intended simply to announce that on Monday he would make a statement which would give information to the House, but which would not of necessity lead to or require any discussion. I wish to take this opportunity of answering a Question which was put to me some time ago by the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy), in regard to two Bills affecting the ownership of and the succession to land, and which he wished to be laid before the House at as early a period as possible, in order that hon. Gentlemen might consider their bearing on the Irish Land Bill. In reply to that Question, I have to state that I hope to be able to introduce next week, either in this or the other House of Parliament—or one, perhaps, in each—two measures, one relating to the succession of land in cases of intestacy, and the other relating to the powers given for the transfer of land.

Mr. LIDDELL said, he would beg to ask the First Lord of the Admiralty, Whether, in the event of the debate on the Irish Land Bill closing that night, he will bring on to-morrow certain Votes in Supply involving questions of great importance, and likely to lead to a long discussion?

Mr. CHILDERS said, it was very important that the Votes referred to by his hon. Friend should be passed as soon as possible, in order that the new arrangements as to retirements might be completed without delay. He did not know whether they could be brought on to-morrow night; but, at all events, he would not take them after eleven o'clock.

IRISH LAND BILL.—QUESTION.

Sir THOMAS BATESON said, he would beg to ask the First Lord of the Treasury, Whether, in consideration of the fact that a large number of the Members connected with Ireland must attend Assizes, and consequently be absent from the House next week and the week following, the right hon. Gentleman will allow a fortnight to elapse between the Second Reading of and the Committee on the Irish Land Bill?

Mr. GLADSTONE: It is true, Sir, my hon. Friend gave me Notice of this Question, for I received a private note from him on the subject half an hour ago. I am sorry, however, to say that I cannot accede to the wish of my hon. Friend. All Ireland is waiting with the most intense interest to observe the decision of the House on this Bill. We have done all in our power, and have put aside every other measure — even measures of great interest to many Members of this House—in order that the ground might be kept clear for this subject, and hon. Gentlemen on the front bench opposite are aware that notice was given more than three days ago of what we thought was the latest day which would enable us to deal with this subject in a satisfactory manner before Easter.

METROPOLIS—CHELSEA BRIDGE.

QUESTION.

Mr. W. H. SMITH said, he would beg to ask the First Lord of the Treasury, Whether, taking into consideration that Saturday afternoon has recently become a general half-holiday among the working classes in the Metropolis and that Battersea Park is much resorted to by them as a place of recreation, Her Majesty's Government will consent to remit the toll for foot passengers on Chelsea Bridge after Two o'clock on Saturdays, in extension of the privilege which is now enjoyed on Sundays and on other holidays?

Mr. GLADSTONE: I am sorry, Sir, to be again obliged to give what I fear may be regarded as a repellent answer. I am afraid, however, that we cannot undertake to throw open Chelsea Bridge free to foot passengers after two o'clock on Saturdays at the expense of the public. This is not, it is true, a very large demand on the part of the hon. Member, whose larger request was made the other night, when the House emphatically declined to accede to it. The hon. Member, therefore, now prudently asks an inch where he could not get an ell, and proposes that we should throw open the bridge after two o'clock on Saturdays. Now, no line of principle can be drawn at two o'clock, although the proposition may be one which is desirable in itself for the population of London. All we can undertake to do is to communicate with the Metropolitan Board of Works on the subject, in case the Board think fit to make a proposal to put the saddle on the right horse, and cause the charge to fall on the inhabitants of London, on whom it ought to fall.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

SECOND READING. ADJOURNED DEBATE.

[THIRD NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bryan.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Colonel WILSON - PATTEN said, they were arrived at the third night of the debate on this measure, and if he rose to take part in it it was not because he had formed any great hope or expectation of being able to introduce any additional arguments to those which had already been adduced, but if the House would kindly indulge him, he believed he would be able to confine his remarks within a very short compass. His object was a very simple and, as he thought he should be able to prove, a very justifiable one. In common with many hon. Members on that (the Opposition) side of the House, he intended to give his support to the second reading of the Bill, though he could not have done so except under very extraordinary circumstances. He believed even the Members of the Government would own that they would not have propounded this measure except under very extraordinary circumstances. It must, indeed, be confessed by everybody who had examined the provisions of the Bill that nothing but urgency could justify its introduction, and, for his own part, he could not have supported it except under the peculiar circumstances of the present time. The Bill contained provisions contrary to all the generally recognized rules of political economy, and utterly opposed to that freedom of contract between parties which the House of Commons and the other branches of the Legislature had, with very few exceptions, endeavoured to inculcate and maintain for many years past. If it did not infringe the rights of property, it at all events meddled with them in such a manner as could only be justified by extreme urgency. It was but natural, therefore, that as he was obliged to sacrifice many opinions in order to support the second reading, he should desire to have an opportunity of stating his reasons for the vote he was about to give. Before doing so, however, he wished to advert to one or two of the speeches which had been made in the course of the debate. Being himself prepared to make considerable sacrifices in order to attain a great national object, he had listened with the utmost anxiety to the Mover and Seconder of the Amendment to ascertain whether they were also ready to make sacrifices in order to attain the same object; but he was compelled to say that although their speeches were characterized by great talent, that talent was displayed in explaining the course they had taken, without adducing a single argument in favour of it. The only point he could find in the speeches of either of those two Gentlemen was that the Bill was not satisfactory to the Irish people. He must confess, however, that he had much greater confidence in the intelligence of the Irish people than those hon. Gentlemen appeared to have. He was aware that Ireland was, at the present moment, in a state of great excitement; and he would, he thought, be only conferring a favour on his right hon. Friend at the head of the Government when he said that he believed the right hon. Gentleman had, of course totally against his will, been the means of increasing that excitement. In his speech, when introducing the Bill, his right hon. Friend had made use of expressions which he must confess startled him a little when he heard them; but on consulting next day the usual organs of information, he found that he had placed a wrong construction on those expressions. The right hon. Gentleman, on the occasion to which he referred, said—

> "Then for the present, at any rate, I cast aside perpetuity of tenure as a remedy with which I am not prepared to deal."

Those words were applied, he believed, exclusively to the argument which his right hon. Friend had in hand. He had no doubt he had not the slightest intention of carrying it further; but the Irish papers had put a different interpretation on his words from that which they were intended to bear. He saw that they had been made use of at more than one meeting in Ireland for the purpose of inducing the Irish people to continue their agitation, inasmuch as the language of the Prime Minister gave ground for hope that if they would only persevere all their demands would be complied with. He mentioned that circumstance simply to show how liable the Irish people were to be led away by different reports. But the Irish people, whatever their merits or demerits, possessed great intelligence, and he firmly believed that they would meet in a fair spirit the efforts of the House if it only proceeded to legislate in accordance with the principle "Do justly and fear not." He could only say that in supporting this Bill he was sacrificing many private political opinions, and that nothing on earth would induce him to do so except the belief that by a general effort of men of all parties they might arrive at a conclusion of this long-vexed question. He wished, in the next place, to advert to another speech which had been made in the course of the debate—he alluded to the speech of the hon. Member for Cork (Mr. Maguire). Of that speech he had no wish to complain, except in one respect. The hon. Gentleman had, with perfect justice, adduced a great many statements in support of the argument which he used, but in such a way as to lead the House to imagine that descriptions which had reference only to particular instances of hardship and oppression applied to the general state of Ireland. He happened, while the hon. Gentleman was making his speech, to have held in his hand the Report from which he made his quotations, and he was fortunate enough, as the hon. Gentleman went along, to cast his eye over those passages as well as others in the Reports. The first Report to which the hon. Gentleman had alluded was that of Mr. Hamilton, which applied to the counties of Donegal, Cavan, Fermanagh, parts of the county of Leitrim, Monaghan, and Tyrone; and from that Report the hon. Gentleman had extracted instances of oppression and hardship the existence of which he did not mean to deny. But there were other passages which were calculated to give a different impression, and which showed that it would be extremely unjust to treat the quotations which the hon. Gentleman had made as describing accurately the state of things generally in the districts to which he had alluded. Mr. Hamilton, for instance, among other things, said that, so far as he could learn, notices to quit were of rare occurrence in his district. The next Report was that of Mr. Horsley, who referred to the district, including Kerry, and parts of the counties of Cork and Limerick. It says, in reference to the question of tenants-at-will—

> " At the same time, although this class of tenants is positively without legal security, in practice it is a fact, as far as my district is concerned, that their precarious condition is more imaginary than real. Scarcely any authentic case of oppression on the part of a landlord to a tenant-at-will has been brought under my notice within the last twelve years. Although tenants-at-will possess no legal security for the value of the improvements they make, it is the custom of the landlords in my district to deal fairly with them, whenever they wish to surrender their farms with a view to emigration or the abandonment of agricultural pursuits. I am not aware of any instance, except in the case of a change of owner or of property, where the tenant has not been allowed compensation for the increased value of the property, arising from his labour, industry, and capital."

Mr. Robinson in the same manner testified to the fact that where the Ulster right did not exist tenants trusted to the fair dealings of their landlords, that in the great majority of cases their confidence was not misplaced, and that in cases where a revaluation of a property took place the value of the improvements effected by the tenant was seldom added. This gentleman, whose Report covered the districts of Wicklow, and parts of Dublin, Kilkenny, Meath, Queen's County, and Wexford, added—

> " Notices to quit are not frequent. I am aware it has been said that it is the practice on many estates to serve yearly tenants with notices to quit, so as to keep them at the absolute mercy of the landlord ; but, after careful inquiry, I do not believe that any such practice exists in my district."

The quotations made by the hon. Gentleman were therefore, he contended, calculated to lead the House to draw a wrong inference, for the general tenour of the Reports justified the conclusion that up to a late period there was fully as great confidence between the landlords and tenants in Ireland as in any other part of the British Empire. Mr. Neilson Hancock said that during the twenty-five years between 1841 and 1866, no less than 80,000 acres of land in each year were enclosed, almost solely at the expense of the tenants. That showed how great an improvement had been effected by the tenants in reliance solely on the honour of the landlord, and it showed, too, the great confidence which must have existed between landlords and tenants. It might be said—"If that is your opinion of the confidence existing between landlord and tenant, why not trust to that confidence and why support the Bill?" He was sorry to say, in answer to that, that he must now bring proof upon the other side. There were instances in these Reports of great hardships suffered by tenants. He regretted to observe that notices to quit and evictions had certainly of late years increased. But anybody who looked carefully into those Reports could see the cause of it. It was not the oppression of the landlords or the destruction of the old confidence existing between the old possessors of the property and their tenants, but there was a changed state of things in Ireland, and he believed it was chiefly owing to that change that this alteration had occurred. The Encumbered Estates Act had been one of the causes producing the change. The object of that Act was to induce the investment of capital in Ireland, and not less than £27,000,000, had been invested under its operation. Those who had invested their money under that Act had obtained the simplest possible title to their estates. They had acquired them subject to no encumbrances or mortgages, and had no need or means of being acquainted with the circumstances affecting those estates previously to the time at which they took possession of them. Many of those purchasers, in the exercise of their rights, had not been influenced by those feelings by which the old landlords were influenced, and in many cases they had evicted their tenants. Much irritation had been the consequence, and the tenants had to a certain extent lost confidence in obtaining compensation from the landlords for their improvements. Therefore seeing that evictions had increased, and that, as far as he could judge, the causes of those evictions were still in operation, he had come to the conclusion that the time had arrived when they must, if they could by legislation, re-establish that confidence, and secure to the tenant a return for the improvement he had made, and, if possible, restore the customs to which he had just alluded. Under these circumstances, he intended to give his support to the second reading of the Bill, in order that he might support the Government, as far as he could, in securing for the tenants of Ireland compensation for the improvements they had made, and in preventing unjust evictions taking place. While, however, in what it proposed with regard to the past and the present, he had no fault to find with the Bill, except that which might be remedied in Committee, he regretted that his right hon. Friend at the head of the Government had not, as regarded the future, taken advantage of the opportunity of assimilating the law and customs of Ireland to those which existed in England. In this country landlords and tenants met and discussed their difficulties, and there was no law infringing upon the liberty of either. His right hon. Friend was in a position, if anybody ever had been, to propose that a similar principle should be adopted as that which existed in England and Scotland. He was at the head of one of the strongest Governments which the country had seen for many years; he had established a claim on the goodwill of an important class of the Irish nation, which ought to insure to him reasonable concessions in matters of this kind; and if he had exercised his influence in Ireland, he might have introduced much more of the English system of land tenure into Ireland than the Bill contained. Whatever criticisms his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) might have been subject to in the course of that debate, he must say that he totally and entirely agreed with him. The clauses of the Bill relating to the future were a stigma upon the Irish nation—a stigma upon Irish landlords, as showing the belief of the Government that they would in the future oppress their tenants, and a stigma upon tenants because they assumed that they were less independent and less able to protect their own interests than they really were. There was a clause which prevented landlords and tenants from entering into a free contract. Now, this clause was totally inconsistent with the rest of the legislation proposed. The Bill said that leases should be submitted to revision by the court. Why should not bargains between landlords and tenants be submitted to the same court? Why should such bargains be absolutely prohibited when a court was in existence? In England if a son on coming of age made an improvident bargain with his father in settling his estate he believed that a court of equity would revise the bargain; and young men who had contracted debts, receiving no consideration in return, were relieved from those debts. Why not introduce a system of that kind, as between landlords and tenants, in Ireland? His right hon. and learned Friend (Dr. Ball) said that he supported the Bill as regarded the past and the present, but not as regarded the future. It was unworthy of the Attorney General to apply his arguments not only to the future, but the past and present. As to the clauses of the Bill, the proper place to discuss them was in Committee; but he might allude to one or two which, from their magnitude, appeared to influence the principle of the Bill, or with respect to which he had suggestions to make to the Government before the measure went into Committee. First, as regarded the Ulster tenant-right, that might be said to be almost one of the principles of the Bill. It affected the whole Province of Ulster. If he had now to deal with the Ulster tenant-right custom for the first time, his feelings would be rather against than for it. He saw clearly—and herein lay the difficulty—that if there were any advantage in Ulster tenant-right, it rested exclusively with the tenants already in possession; and therefore he was not a bit surprised that the tenants in possession urged the maintenance of the right, because it was quite clear they were in possession of a valuable consideration, and it would be a loss to them to be deprived of it. His observation of tenant-right was that it did not conduce to the prosperity of agriculture generally; he believed it was often carried to such an extent that an intelligent and energetic tenant found all the means that should be employed in the proper cultivation of his farm, swallowed up by the sacrifice he had made in the purchase of tenant-right. He had been told that people could tell in passing through Ulster, by the appearance of the farms, for which of them the tenant had been obliged to give an extravagant price. But he did not wish to act upon his own opinion. He was willing to take the opinion of the Irish Members, and he would deal with it as it stood in the Bill. But he must say that if he were to deal with tenant-right, and it were to be adopted in the Bill, then he was opposed to those of his friends who thought that this tenant-right custom ought to be defined. In his opinion that would be impossible. In cases where the tenant-right was large they would do injustice to the tenants if they fixed the amount of the custom on too low a scale, and where the amount was small they would confiscate the property of the landlord if they fixed it too high. He thought, therefore, the Government had acted wisely in refusing to define the custom, and in leaving the amount to be decided according to the customs prevailing in each district. There was another part of the Bill to which he wished to call attention, and where he thought the Government must make some alteration — he referred to the position of parties who had bought their estates in the Encumbered Estates Court. The Bill laid the *onus probandi* of the improvements in all cases on the landlords. Now he wanted to know how it was proposed that the parties who had invested £27,000,000 on estates purchased in the Encumbered Estates Court were to furnish proof that the improvements were made by the landlord, and not by the tenant? They had not a single document on the subject. By the custom of the country the landlord was understood to provide timber and slate, and the tenant was to do the rest; but the landlords who had purchased their estates in the Encumbered Estates Court had no means of proving even that. He would suggest this difficulty to his right hon. Friend, and for himself he must confess he did not see how it was to be got over. Then there was another difficulty; it was the case of those landlords who had bought up the rights of their tenants. There was a nobleman connected with the present Government — he meant Lord Dufferin—who he verily believed was the worst used man in Europe. He was opposed to that nobleman in politics; but if any man had ever set a good example in Ireland it was Lord Dufferin. He did not know what his circumstances were; but he had bought up the whole tenant-right on his estate at a vast expense, and he was now in possession of an estate on which, but for this Bill, there would be no tenant-right whatever. Yet he would be brought under the operation of this Bill. He knew of other cases which, while they were not quite so flagrant, were of the same nature. There was another point of the Bill on which he wished to say a word. It had reference to a question on which his right hon. Friend the Secretary for Ireland and himself had some correspondence —he referred to the Peace Preservation Act. The Act applied in this way—that wherever an agrarian outrage was committed in a district, a force of police was sent down to preserve the peace, and the expense of the force was thrown upon the rates of the district. But, by the present Bill, these rates were to be taken from the tenant and thrown upon the landlord. Now, he asked the Government how they proposed to deal with that question? It was hard enough to be shot—it was harder still to have to pay for being shot. Under the Bill a man might not only be assassinated, but his property would be assessed to pay for his assassination. This was one of the strongest instances of adding insult to injury that he had ever heard of. [Mr. CHICHESTER FORTESCUE: Hear, hear!] He made these remarks not in the spirit of opposition, but in the hope that the points he had mentioned would be attended to. In conclusion, he would say, that his official connection with Ireland was too short to allow him to suppose that anything he could say on this subject would carry much weight in that House; but it had been long enough to induce him to take the deepest interest in the welfare of Ireland. And he could assure the Government that in any course he might take with regard to this Bill he would not forget that he once had charge of the affairs of that country, and that he would regard every provision of this Bill with as deep a sense of responsibility as he then felt. He would not detain the House longer — he thanked them for the patience with which they had listened to him, and he could assure them that it would be one of the greatest pleasures of his life if he could assist in any way in the peaceful and satisfactory solution of a question which had baffled the endeavours of so many previous Governments.

Mr. HORSMAN: It must, no doubt, be a great satisfaction to the Government to learn that my right hon. Friend who has just sat down and those who act with him are about to support the second reading of this Bill; it is an admission that the principle is sound, and that it offers an acceptable basis for legislation. But I confess that when I heard the speech of my right hon. Friend—and I listened to him with all that attention and interest which he always commands when he speaks in this House—I could not but have my misgivings whether it were an unmixed advantage for the Government or their Bill that we should pass over without notice or remark the principle of the Bill, and abruptly plunge into an examination of its details, without giving more consideration than my right hon. Friend seems to think they deserve to all the circumstances that have called for this measure, which he has truly described as a departure, and a bold departure, from the beaten tracks of legislation, and which he avowed to us with frankness and with sincerity that he only accepted, with great reluctance and under a species of moral coercion, as a choice of evils, because he preferred the inconveniences and dangers that might result from the passing of the measure to the responsibility that must attach to himself and to his party for a continued non-settlement of the question and for the dangers that might follow the rejection of the Bill. No doubt the value and efficacy of the Bill must depend upon the manner in which we perfect its details in Committee; but it is a great mistake, therefore, to suppose that we are not now to discuss these separate details upon their abstract merits. In my view this Bill differs from previous Bills on the same subject in this respect; it is less an amendment of the law than the foundation of a policy, and I say, therefore, every detail of the Bill acquires a new meaning and a new character from being taken as part of a great scheme of policy. We shall only be misleading the Government and confusing the House if we now accept the principle of a Bill which can only be carried out by details that acknowledge an emergency without at the same time being in accord with the Government as to the nature of that emergency, and as to the conditions and objects for which we consent to go into Committee. There is one consideration which we know has weighed with the Government, and which, in my opinion, ought not for a moment to be absent from the mind of anyone who takes part in this debate, although I have observed with some surprise that it has had no place in the speeches of any of those who have addressed us from the other side of the House; and it is that the temper of the Irish people is now such, and such are their relations with the Executive and with Parliament, that this may possibly be the last opportunity open to Parliament—if it be still an opportunity—of proffering to Ireland with any chance of acceptance a peaceful solution of those difficulties to which experience has shown us a new and a worse character is imparted by delay. If this consideration weighs upon us who represent constituencies on this side of the Channel, far more heavily ought it to weigh upon the friends and representatives of those who are interested in Ireland. My right hon. Friend referred just now to the eloquent speech made the other evening by the hon. Member for Cork (Mr. Maguire); there were some parts of that speech with which he did not agree, but there was one part of it he must have agreed with; it was the part in which my hon. Friend referred with so much feeling to what Ireland had suffered from the indifference and the ill-treatment of English legislation, although he did full justice to the different spirit which now prevails. We agreed almost all of us, I think, with that portion of his speech. We admit with my hon. Friend, and deplore as much as he can, that it has taken a long time to awaken the understanding and conscience of England to the folly and iniquity of old methods of government in Ireland; but we believe it is now thoroughly awakened, and on the last occasion when the country was appealed to on the Irish policy of a Cabinet I think my hon. Friend must have seen that the overpowering answer that was returned amounted to something more than the condemnation of the Irish Church. It affirmed a principle of larger application—it affirmed a policy of growing force; it affirmed a determination to seek out and grapple with every cause of Irish misery and degradation—a policy of erasing, of reconstructing, and of reconciling all classes and creeds, till the conviction was forced on the people that in Ireland, as in England, there is no wrong without a remedy, and that a new future was opened to that country by substituting a government of justice for one of force and fear. It was, I take it, in obedience to that expression of the national will, and in fulfilment of the wishes of the country, that the present Ministry, as soon as the Irish Church question was out of the way, undertook to measure their strength with a more trying question, on which opinion had not been ripened by discussion; on which they had no pledged majority at their back; on which the best thinkers and writers of their own party were divided in opinion; on which even the utterings of Cabinet Ministers, half-instructed on the question only a year ago, were notoriously conflicting; and on which, moreover, English prejudices must to some extent unite with Irish passion to increase the difficulties of legislation. One advantage which the Government possesses—and it is a very great advantage—is that they showed last year they knew how to master an Irish question with which no previous Government had dared to deal, and they had a right to expect that if they brought to bear on this new question the same qualities of sincerity, capacity, and courage as carried them so well through the last Session, their efforts would meet with the same support, and with the hope of being crowned with a like success. Since the introduction of this Bill we have all of us watched with a good deal of interest—and I must say for myself that I have watched with much anxiety — the manifestations of public opinion both in this country and in Ireland. If the measure introduced by the Government commended itself by its just character to general acceptance it was not likely to be received with favour either by the Irish landlords or the Irish tenants, with whose conflicting interests it was going to deal, because it must go beyond the wishes of the one party, and fall short of the expectations of the other. It would have been a matter of no surprise to anyone—it would have been no disparagement to the Bill—if it had been met with a hostility which would have indicated that it had features to commend it to impartial men; but I must say that the manner in which the Bill has been received at both sides of the House has occasioned me great surprise. Never, in my experience in Parliament, have I known so important a measure, and one in their view of it so distasteful and disquieting to the opponents of the Government, to be handled with such tenderness. It is not that there are not in the Bill points open to attacks, or that they have been slow to see them. I think we must make our acknowledgments to Gentlemen on the other side for responding, as they have done, to the appeal of the First Minister, to address themselves to the question in a generous and patriotic spirit, and with an absence of all party feeling. The Government have afforded every encouragement to that course, because if the Government had expressed a determination to stand by this Bill in the form it was presented to the House—if they had said they would accept no amendment, no change, it would have been the duty of those who saw great faults in the Bill to do their utmost to damage it on the second reading, so as to weaken the power of the Government in Committee. But the course taken by the Government has been quite the contrary one. They have thrown the door wide open to Amendments—they have invited Amendments. They feel they have a different task in hand to what they had last year. The work of destruction is very easy; but the work of reconstruction is very difficult. The tone of my right hon. Friend at the head of the Government was not only modest and humble, but I thought almost supplicatory, in the manner in which he invited Amendments from both sides of the House, assuring us that the Government, conscious of the inevitable shortcomings of their measure, would welcome Amendments, however numerous, or whatever their magnitude, provided only they promoted the great object the Government had in view — namely, the peace, contentment, and security of Ireland. It is satisfactory to observe that no fault has been found, no Amendment has been suggested, which the Government may not fairly entertain and discuss in Committee, without swerving from the principle of the Bill. I say that most emphatically with regard to that provision of the Bill to which my right hon. Friend opposite has just now alluded, as to which notice of an Amendment has been given by an hon. Friend behind me, and which creates so much interest among the Irish tenants—the extension of the Ulster tenant-right custom to the whole of Ireland. I say at once to my hon. Friend, that if he can show that the extension of that custom to the whole of Ireland is practicable, and that it can be so extended without a greater disturbance of the relative claims of landlord and tenant in other parts of Ireland than it creates in Ulster, I, for one, will gladly give my vote in favour of his Amendment. I confess that when, during the Recess, it was rumoured the Government intended to make the Ulster custom their plan for all Ireland, although I was surprised to hear it, still I rejoiced to think that they saw their way through difficulties which to me had appeared to be utterly insurmountable. I differ from the opinion expressed by my right hon. Friend, but still more strongly and elaborately urged the other night by the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt), who was at great pains to show us the pernicious character and tendencies of the Ulster tenant-right. The right hon. Gentleman argued the question with great ability and neatness, and his arguments and illustrations, in the absence of facts, were very convincing—I may say quite conclusive. But one fact is worth a thousand arguments, and I want to know how he gets over this fact—that Ulster, in which this tenant-right has so long existed, is as peaceful and prosperous a Province as any other part of Her Majesty's dominions, while the other Provinces of Ireland in which the Ulster right does not exist are so lawless and so pauperized that we are horrified daily by accounts of crime such as one could expect to find only among a semi-barbarous people. I want to know how the right hon. Gentleman gets over that fact. I say that fact scatters to the winds all the fine-spun and economical theories by which he illustrated his opinions. Although I feel there are circumstances within our own experience which may have made that tenant-right custom work well in Ulster, I do not pretend to say it might be extended to the other Provinces. I am far from agreeing with those who blame the Government—who say they have shown favour to Ulster by this Bill, and who call upon them in justice and consistency to extend the Ulster custom to all the other parts of Ireland. The Solicitor General for Ireland was at some pains the other night to show that this favour had not been shown to Ulster because it happened to be a Protestant Province. Knowing, as he did, what effect misrepresentations of this character might have on public opinion in Ireland, he did right to refute a delusion which did not require refutation in this House. The Irish representatives in this House are too shrewd not to know that the real reason why the Ulster right is legalized in Ulster is because it already exists in Ulster. If it had existed in Connaught it would have been legalized in Connaught; and, wherever it is found to exist in any form, however modified, uncertain, or obscure, in any other Province of Ireland, there this Bill fastens upon it and gives it the authority of a law. The aim and object of this Bill professes to be to change as little as possible and to disturb as little as possible. It deals with established facts, and where it finds anything like a custom prevailing it makes that custom law. Custom, we know, is in all lands the best foundation of law, and in Ulster custom has made an unwritten law. This Bill recognizes the distinction which already exists between Ulster and the other Provinces of Ireland—it recognizes a distinction which it did not create. And then, also, we may remember that, although we may find we ought not to disturb a system which works well where it exists, it is a very different thing when you try to transplant it elsewhere. We have been told more than once in the course of this debate that you may in one Session make a law, but it takes many generations to make a custom. Custom in Ulster has been the growth of generations, with a large expenditure of capital; but in the other Provinces of Ireland there has been neither the custom nor the expenditure. Again, we are apt to talk of the four Provinces as though they formed one Ireland; but we all know that practically they are four distinct nations—differing in race, differing in character, differing in circumstances, in customs, and in requirements—differing from each other more than some of them differ from England or Scotland. And, again, no one has endeavoured to define for us, or to make us understand, what is the tenant-right of Ulster. We know that there is no intelligible rule, or law, or custom that governs all Ulster, and more than once in this debate we have been told that even in Ulster itself the custom differs in different counties, and it even differs on different estates in the same county. Such were, no doubt, the difficulties that deterred the Government. I do not say that those difficulties are insuperable, in the teeth of an undertaking on the part of my Friends behind me, that they will give us a definition of Ulster tenant-right which may be extended to the rest of Ireland. I can only say that if they can bring forward such a definition, and show us that it is a practicable and just one, they will give us a solution of one of the greatest difficulties of this question. My right hon. Friend spoke just now of interference which a part of this Bill makes with the rights of tenants in Ireland; he also spoke of the manner in which it interferes with the right of free contract; and he expressed a desire that legislation with regard to the two countries should be identical, if possible. I will make this admission to my right hon. Friend without qualification or reservation. I think it would be unjustifiable on the part of the Government, and it would be reprehensible on the part of the House, if we admitted any principle of legislation for Ireland which, in like circumstances, we should not be prepared to apply to England. I say, Sir, "in like circumstances." But who is there who says that the circumstances are alike? We heard the other night from a high authority on the opposite side of the House, in an eloquent speech delivered on the first night of this debate, that, not only were the circumstances dissimilar, but that they were in two different stages of civilization. My right hon. Friend who spoke last dwelt on the ease, the facilities, and the safety with which contracts between landlords and tenants were enforced in England; but we all know that those landlords and tenants deal on terms of independence. Whatever right an English landlord may have acquired under a custom or by law, he has no more difficulty in enforcing it in a court of law than would be felt by any other member of the community who might be a creditor or a claimant. But have you really considered what are practically the rights of property in Ireland at this moment? Theoretically they may be absolute; but what are they as we see them in every-day practice? Which of the rights of property can an Irish landlord exercise at this moment with the same freedom and safety as he could exercise them in England? I am not now speaking of Ulster, but of the rest of Ireland. Can he choose his tenant as he pleases? Can he evict him as he pleases? Can he raise his rent as he pleases? We know that a landlord exercises those rights at the peril of his life. And what are the rights of a landlord when he is not sure of that very first right—the right to live on his estate? I read the other day of a landlord who raised his rent, and on the following Sunday he went to the parish church, attended by his sons, armed with double-barrelled guns and revolvers. I agree with my right hon. Friend that there is nothing so valuable and so healthy as the law of free contract—that is to say, in a country which is governed by the laws of civilization and the maxims of political economy. What is the exercise of free contract in Ireland, when you read that one contracting party walks about his farm guarded by two policemen, lest the other contracting party should shoot him through the hedge? And that, Sir, was what one speaker on the other side of the House the other night called, with unconscious satire, "the enjoyment of the rights of property," which were so cruelly interfered with by this Bill. Sir, Irish landlords may have rights, and they may have the enjoyment of those rights; but to outsiders, who judge of Ireland by the occurrences of which they read in the newspapers, it must appear that the perils of property in Ireland are far more conspicuous than either the rights or their enjoyment. The fact is that the rights of property depend upon the law; but, unfortunately, in Ireland the law is not the safeguard of the landlord. The law, too, should be sustained by opinion; but opinion, unfortunately, is too apt in Ireland to isolate the landlord. I said there is no law in Ireland, but I was wrong. There are two laws. There is the statute law, which is not respected, and there is the law of secret societies, which is both respected and obeyed. The one calls on the policeman, and calls in vain, to protect the landlord; the other calls on the assassin, and does not call in vain, to secure the tenant. This was the state of things with which the Government had to deal. It was the task—the very hard task imposed upon them. They had to examine the law; they had to go into an examination of the facts; and they had to consider the feelings and influences which led to the law being defied and defeated; and they had to devise a scheme of legislation that should reconcile the law of the land with the feelings, the customs, and the requirements of a disaffected, a divided, and a demoralized population. How were they to proceed? Sir, the numerous inquiries and reports which were referred to by the First Minister of the Crown, when he introduced this question, as having been received during the Recess from correspondents, and from those who visited Ireland with a view to judge of the facts of this question for themselves, have poured great floods of light upon us, and while they have been useful in showing us what we ought to do and could do in Ireland, they have been not less useful in showing the Government what they could not and ought not to do. They were useful, also, in dispelling two popular illusions; one with regard to the landlords, the other with regard to tenants. We are not to assume, as has been too commonly assumed, that the landlords of Ireland are responsible for the present lamentable state of things. We know that they have been the victims of circumstances which the present generation did not create, and while there are in Ireland, as in England, both good and bad landlords, it is now universally admitted that in Ireland a good landlord is the rule, and a bad one the exception. Neither were we, in the application of remedies, free for one moment to admit that the title of an Irish landlord to his estate was one whit less sacred or inviolable than that of the English landlord, whose title to his land is as good as the title of any manufacturer to his mill, or of a shopkeeper to his store. Again, with regard to the tenantry, we are not to conclude, as has been too commonly done, that every tenant is at heart a Fenian. Sir, I believe that an Irish tenant is at heart precisely the reverse. A Fenian is a landless man, with feelings akin to those of an alien or an outcast; he is for separation, for disunion, for transferring his allegiance, and for invasion; but the Irish tenant — a tenant-occupier—he has nothing in common with the Fenian except a hatred of the law as long as he feels that it oppresses him. Once change that law and you immediately change him. His desire, his ardent passion, is to draw closer his ties to his native land. He wishes to draw closer those ties—love of country is still warm within him—and if you will but let him feel that his country has some care for him; it will give him something he can rest upon; it will give him a habitation and a home, his whole nature will be immediately changed. He is enlisted on the side of law and order; his instincts become conservative; outrage finds no sympathy in him, nor crime any concealment. He will be the first man to rouse the police, to raise a hue and cry against a murderer; he will be the first to help you to drive the Fenians into the sea. [*An ironical cheer from an Irish Member.*] I am sorry to find that an Irish representative does not approve the description I have given of his countrymen. Such being the state of things, the character of the landlords presenting no obstacle, and the feelings of the tenants closely drawing them by their interests to an agreement, we should suppose that the difficulties in the way of a speedy and amicable arrangement would not at any rate be insuperable. Sir, I have avoided going into the details of the measure, as we are now discussing the principle upon the second reading. But I may state generally that the Irish tenant has complained of three great grievances; he has complained of his liability to eviction, he has complained of his liability to the confiscation of his improvements, and he has complained of his liability to rack rental. Now, the Bill acknowledges all these grievances, and more or less effectually attempts to deal with them, and where it falls short it at least opens the ground for anybody else to supply its omissions by proposing Amendments in Committee. With regard to the power of eviction, I am not prepared to say that the Bill, as it now stands, makes eviction impossible; but it, at all events, renders it more difficult, by diminishing the motives and facilities that now exist for carrying it out. Then, as to liability to the confiscation of improvements—compensation for tenants' improvements is made absolutely certain, and most undoubtedly it confers a benefit on the tenant, which can be hardly exaggerated — namely, it changes the presumption of the law which formerly made all such improvements the property of the landlord, they are henceforth presumed to be the property of the tenants. I shall next allude to the third grievance complained of—namely, the liability of the tenant to a rack rent. The hon. and gallant Member for Tipperary (Captain White) complained strongly the other night that the Bill did not provide a sufficient security against rack rentals. Well, let the hon. and gallant Member propose a clause, and if he can show us how the security he asks for can be provided in a just and practical manner the Government is pledged to entertain it. Therefore, although the Bill, as it now stands, may not carry out all the intentions of the Government, still, there it is upon the table, open to any hon. Member to amend in such a manner as shall make it carry out all that the Government have professed and intended upon the subject. At all events, there can be no doubt that this Bill goes much further in the interest of the tenant than any other Bill ever proposed either by a Government or by a private Member. I do not know myself how it could go much further. It certainly does not make the tenant the actual owner of his farm; but it gives him the greatest facilities of becoming such if he be thrifty and industrious. If it does not turn the tenant at once into the proprietor of the farm, it does the next best thing for him. I do not know that any hon. Gentleman in this House advocates such a change. But if any persons in Ireland could be found to advocate it I should be disposed to ask them two questions — first, what security they would have that the new race of landlords would be an improvement on the old? and, secondly, what answer the new landlords would have when the new tenants, agitating for fixity of tenure, told them they would be shot if they did not grant it? The right hon. Member for Oxfordshire (Mr. Henley), at the conclusion of his speech the other night, humorously described the Bill, and suggested that its title should be changed, and that it should be called "a Bill for the promotion of litigation, and for the extinction of small holders." In my opinion, on the contrary, if the title of the Bill were changed it should be termed "a Bill for the protection and comfort of landlords, and for the improvement and elevation of their tenants." Because, although it will effect some change in the existing relations between landlords and tenants, yet it will operate in favour of the former as much as it will on behalf of the latter. And in this way—and I am sure that there is not a landlord on the other side of the House who will not agree with me upon this point — that the social security which the Bill gives to the landlord will add materially to the value of his estate. I am prepared to maintain that in a mere money point of view the landlord will get a return under this Bill far more than equivalent to what he gives up to his tenant under it. I will, however, go one step further, and say that I believe his gain in point of domestic comfort—in point of the safety and happiness of his family, and of being able to live in security among a contented tenantry will be such that it is impossible to estimate it by any pecuniary calculation. I heard with regret the other night from an hon. Friend behind me (Mr. Bryan)—though certainly not with surprise, inasmuch as the observation was not new to any of us —that several county meetings had been held in Ireland at which this Bill was considered—I think my hon. Friend said there had been forty such meetings —at every one of which this Bill was condemned with a unanimity and a force of language it is scarcely possible to misinterpret. I think there are few of us disposed to underrate the importance of that fact.

Mr. BRYAN observed, that what he had said was that the principles and the provisions of the Bill had been denounced in advance at meetings that had been held previously to the introduction of the measure.

Mr. HORSMAN: Well, then, I will refrain from founding any argument upon what I believed had been stated by the hon. Member. The hon. Member, however, says that the principles and the provisions of the measure were denounced by anticipation at the county meetings. That is a very grave occurrence, and I do not think that anyone in the House will be inclined to undervalue its significance, because we know that the tenants of Ireland cannot be expected to examine and judge of the Bill for themselves—they must believe it to be what the leaders of the agitation represent it to be, and if those leaders set themselves heartily to work to discredit and defeat the measure they possess great advantages for doing so. They know—what we are too apt to lose sight of in this House—that it is the temper of the Irish tenantry, and not their material position, that has for years past constituted England's difficulty and the Irish agitator's opportunity. They know that this land question has been an old sore in Ireland for generations, that it has been transmitted from fathers to children—and I am not using terms too strong when I say transmitted with tears and often with curses—and that it even now rankles in the blood. They recollect that a quarter of a century ago the Devon Commission published far and wide the grievances of the Irish tenantry, and that from that day every successive Government has taken up the question only to trifle with it, as they trifled with the Irish Church question. But, in the meanwhile, those Tenant Protection Societies, which were then few and far between, have spread organization throughout the land, a new generation has sprung up, better educated and more self-reliant, and, therefore, under the sense of grievance far more dangerous, and the effect is seen in this—that although there never was a time when the material condition of the Irish tenantry was so good as it is at the present time, there never was a time when the lives of landlords who enforced their extreme rights were so unsafe. But that which I think is the darkest feature of it all is shown in those Judges' charges, to which particular attention has been of late called. The Judges dwell upon the frequency and enormity of crime in Ireland; but they are far more appalled by the impunity with which these crimes are committed. It is this mysterious inefficiency and helplessness of the police—from whatever cause that may arise—that constitutes a new element of danger not yet taken into account, and which must have conveyed a serious warning to the Government that in the preparation of remedial measures they had not an hour to lose. Now, Sir, we all know that this Bill will pass through all its various stages, and that it is practically certain to become law, and that its success when it becomes law will depend in a great measure upon the manner in which it is accepted by the tenantry of Ireland; and upon this point I may state that, notwithstanding the attempts made to mislead them with regard to the effect of this Bill, I believe, even from the speeches of hon. Members in this debate, who have not been backward to express the feelings of their constituents, and who have done their duty in a manly and courageous manner, that my hopes are greater than my apprehensions. And I am persuaded, and I say so from my long experience, that no serious agitation can long be carried on without some real admitted grievance. It will undoubtedly require time for the operation of the Bill to become known; but when its effect is once appreciated, any feeling that may be raised against it will soon be dispelled. And it will have this effect—it will narrow and define the true issue; men will be compelled to choose their side, and rank themselves either with those who are in favour of settlement and peace, or with those who still desire to keep up a system of unsettlement and outrage, and the Government will have a law for both. One word more, and I have done. In many quarters a good deal has been said, and some dissatisfaction has been expressed, at the slowness and unwillingness of the Government to resort to severe measures of repression; and I must say for myself, and I should suppose I may say the same for almost the whole of the House, that I have watched with considerable interest and with a good deal of anxiety the inaction of the Government, and I think that on both sides of the House, notwithstanding some expressions of disapproval, there has been a disposition to say that up to a certain point the Government, with their special knowledge of the circumstances, and with their exclusive intelligence, were the best judges of their responsibility and of their duty. Their position has been one of great difficulty. They had two courses open to them. They might have prefaced the introduction of this measure by the suspension of the Habeas Corpus Act, and by doing so they might have exasperated public feeling in Ireland, have prejudiced the reception of the Bill, have gratified its enemies, and have imperilled, if they did not insure, its fate. The Government might have taken another course; they might have said—"It is true another month's or six weeks' outrage unchecked, of crime undetected and unpunished, is possible, and great is the responsibility of a Government were such a state of things allowed to go on;" but they might have added—"Graver still is the responsibility of the Cabinet that, having two measures at its command, the one which all experience has condemned as temporary in its aim, irritating in its character, pernicious and fatal in its results, and the other so large and beneficent in its nature and so hopeful in the prospects it unfolds that it might well warm the heart and fire the ambition of any Minister to whom was committed so great and good a work"—I say it would have been the height of folly and pusillanimity on the part of the Government if they had sacrificed the great and permanent good from a mistaken measure of their duty with regard to the evils of the hour, to which their own Bill was fixing an almost immediate termination. But, although I sympathize with the unwillingness of the Government, or rather with its true and evident determination not to be diverted from the policy they had set before them, I feel that a new situation arises, and a new responsibility is cast upon them, from the day this Bill passes a second reading. When this Bill is ordered to be read a second time—as I have every hope it will be by the unanimous vote of this House—the first care and duty of the Government will be to see that the measure has fair play, that its friends have fair play in Ireland, to see that those in whose interest it is brought forward have fair play in Ireland, and this cannot be so long as the reign of terror is permitted to go on. The Government has shown they can be just; they must now show they can be firm and resolute. The law must be upheld, life must be protected, society must be made safe, and that is not to be done by striking at the poor miscreant who fires the shot. He is not the real criminal; the real criminal is he in the higher walks of life who for his own purpose inflames the passions that find vent in blood. It is at him that the hand must strike—and wherever he be found, whatever his vocation, and under whatever disguise he may be at work, justice must strike, whether in the interests of the poor, the friendless, and the misguided whom this Bill may tend to rescue and raise, or whether in the higher interests of Ireland and the Empire. When justice strikes she must strike hard and deep, not in cruelty, but in mercy, and throughout the whole civilized world there is not a friend of humanity and freedom who will not approve the blow. But that is a contingency I will not anticipate. It is remote, and I trust not to be contemplated. It is far more agreeable to anticipate that this Bill will be received in Ireland in the spirit in which it is offered by England. It is not necessary for our Irish friends to ask whether this is the very best Bill that can be devised for them. What they have to ask is, whether it be an honest and a just Bill as far as it goes, conceived in a friendly spirit, and with a sincere and earnest desire to repair the past and improve the future. I hope the unanimity with which I am sanguine this Bill will pass through its second reading may be the prelude of all parties going into Committee with the one object of making the Bill justly acceptable to all those whose interests are affected by it in Ireland; and then, Sir, I trust the Land Bill of 1870, following closely upon the Church Bill of 1869, will be an evidence, reaching to the very heart of Ireland, of our determination to persevere in a policy of conciliation based on justice, by legislative measures that will make this Parliament memorable in history for redeeming the character of England, and placing upon new and sure foundations the loyalty and prosperity of Ireland.

MR. PELL said, he should hardly have ventured, as a Member so recently elected, to address the House on that occasion, but that in the gracious Speech from the Throne last year, on the prorogation of Parliament, they were called upon to give their consideration, during the vacation, to such matters as they could bring some practical experience to bear on; and, so far as he had had time and opportunity, he had acted in obedience to that suggestion. It must have been observed, by those who had listened to this debate—which he hoped was now drawing to a close—that there had been a dulness attaching to it throughout; and, with some few exceptions, there had been a want of that liveliness which was to be expected in the discussion of so great and important a question. He ventured to express the opinion that the character of the debate had arisen from surprise at the Bill that had been introduced; and those who were prepared, at the outset, to meet the Government proposal with stern opposition had been put somewhat in the position of Balaam, and instead of cursing they had come to bless the measure. The Bill afforded so many opportunities for the improvement of agriculture in Ireland, that he could not agree with those who ventured to oppose it. There was much in the Bill that he disapproved, and much that commended itself to both sides of the House; and, under the circumstances, he thought they should endeavour to make the Bill as perfect as possible. The debate had been relieved by a speech from the Treasury Bench, and although he heard it with some amazement, he hardly thought it possessed that dignity which the occasion required and the character of the individual would have led them to expect from him. It reminded him of the frequenter of Ballinasloe fair who, in want of an occasion for conflict, would trail his coat upon the ground with an invitation to his companions to tread on it. The Bill professed to deal with four important matters. First, it proposed to control, to a certain extent, the severe competition for land in Ireland; but whether it accomplished that object or not, the competition for land in Ireland had not produced the same result for that country it had in England. It had failed adequately to improve the cultivation of land in that country, for out of 20,000,000 acres of land in Ireland there still remained 4,000,000 acres, according to the statistics of 1867, of waste and bog land. One would have thought that the effect of the competition for land in Ireland would have been to have reclaimed a great portion of it. It appeared to him that in controlling the competition for land they would produce a state of things that would not advance, as they would like to see, the cultivation of the soil in Ireland. The compensation clauses would, no doubt, be most valuable in encouraging agriculture; and he should like to see many of the customs of this country extended to Ireland — and some of theirs introduced into this country — but not the Irish custom of goodwill. That was a most objectionable custom; and, so far as he could learn, it did not depend so much upon what the tenant did upon the land as upon the character of the landlord under whom he rented. If he were an easy man, the goodwill would run up to a high price. Notwithstanding all that had been said about these Ulster goodwill rights, and similar rights applying in other parts of Ireland, they ought to be regarded as a kind of perquisite more than anything else, and, as such, it would be exceedingly difficult to put a value upon them. Instead of contending for the recognition of Ulster tenant-right, he hoped nothing would be done in the way of legislating for the perpetuation of any such right, whether in Ulster or any other part of Ireland. It had been suggested that the tenant-right of Ulster ought to be defined; but, in his judgment, the Government had acted wisely in not attempting to define it. They knew that—

> "Old order changeth, giving place to new;
> And God fulfils himself in many ways,
> Lest one good custom should corrupt the world."

Therefore, it would be futile to try to fix a custom. With regard to that part of the Bill which dealt with tenants' improvements, he believed, with some modification, it would have the full assent of many, if not most, of the hon. Members on both sides of the House. As land was at present managed in Ireland, there was a tendency to discourage, or, at any rate, not to encourage, improvements in the cultivation of the soil. When a tenant left his land he was usually permitted to sell everything off—a system which tended greatly to impede the advance of agriculture and good husbandry. To this portion of the Bill, therefore, he should be inclined to give his support. The proposed creation of peasant proprietors would, in his opinion, be of very doubtful advantage. He could see nothing unreasonable in affording opportunities to men to become proprietors of the soil if they were so inclined; but whether it would be wise and prudent to lend public money for promoting that object was quite another question. He himself believed, in all humility, that it would be neither wise nor prudent. Hon. Members should not forget that these created proprietors would not be put upon the same footing with the older proprietors of land in

Ireland, for as they would be created by the Government Bill, under the operation of the same measure, there would be a Board of Works keeping a constant *espionnage* over them, for the purpose of preventing the division or subdivision of the land. What would be more inconvenient to a tenant than to have an incessant *espionnage* exercised over him by the Government, who professedly invested him with all the advantages attached to the possession of freehold? Before assent could be given to that portion of the measure, he felt sure the House must seriously deliberate as to the operation of such a provision. He heartily concurred in the remark of his hon. Friend the Member for South Norfolk (Mr. Read) that a poor man, with a small amount of capital and some knowledge of husbandry, would be more independent if he devoted what little money he possessed to the cultivation of the soil under a landlord than he would be if he devoted it to the purchase of land. The feeling which led men to become possessors of the soil was, no doubt, a laudable one; but too many persons forgot that the cultivation of small plots of land depended for its success, not so much on the skill and exertions of the holder, as upon the natural conditions of the soil. Wherever in England there were plots of land, with a warm soil, and easy to be worked with a spade, and situated near a railroad, or within easy access of a large town, it would be found that, in spite of the English landlords, who had been so much condemned by many persons, small cultivation was carried on successfully, and was daily increasing. He had lately travelled 1,200 and odd miles in Ireland, chiefly in the Western counties, in order to institute inquiries on this subject, and he ascertained that wherever small freeholds existed they had, with one single exception, been created by the character of the soil. One peculiarly remarkable circumstance came under his observation. Even where land was selling for £200 per Irish acre, and was owned and cultivated under the system of small holdings, he saw one acre of land uncultivated, and lying entirely waste, and neighbours explained the circumstance by stating that the owner had fixed the rent so extravagantly high, and had clung so pertinaciously to his demand, that he had let the time pass for growing a crop, and would have to wait during another revolution of twelve months before the land could be of advantage either to him or the community. And yet within a distance of two miles the owner of that land could have found a customer who would have given him £200 for it. In the Bill there frequently occurred the expression "compensation for the reclamation of land," and it was, he believed, only in the latter part of the Bill that the expression "reclamation of waste land" was used. It was possible that a serious difficulty might arise if this matter were not well considered. How could you define "reclamation of land?" Everybody knew what was meant in England by reclamation of waste land, which was generally preceded by an Act of Parliament, and resulted in a great change in the surface of the locality where the reclamation was effected. In Ireland, however, the reclamation of land consisted of this operation. The tenant went on to a piece of land which, in the first instance, was not waste, as we understood the word in this country. He then proceeded to remove, with great energy, skill, and perseverance, the large stones from the surface, to dig up others, to put up rough fences, to drain the ground, and otherwise to prepare it for cultivation. He did not know, however, whether this could be rightly termed reclamation of land at all. It was a great improvement of the land, no doubt, and it was immediately followed by a very large return of profit on the outlay, which varied from £15 to £20 per acre. Scotchmen were not appalled by this expenditure; they went over to Ireland, and conducted their operations rapidly as compared with the Irishmen. In the first place, the Scotchman would prefer taking land which he considered improvable upon a lease of twenty-one years; he would then reclaim it, so as to get what he could out of the soil; but did he ask for the renewal of the lease? Instead of renewing the lease for the old land, he began to cultivate fresh ground, and under the security of a fresh lease the improver would recoup himself. If he were succeeded in that land by one less active in keeping up the fences and cleansing the drains—one inclined to think that dairy farming would suit him better than cultivation of the land by ploughing—the land would run back to waste. The stones which had been taken would remain out of the land, but the fences which had been built with them would tumble down; gorse, rushes, fern, and weeds of that description would come up on the soil that the first reclaimer had cleared; and he should like to know whether it was proposed under this Bill that a fresh charge should be imposed on that land for the restoration of the works which the original reclaimer had imposed on it by his industry? In such a case he thought the tenant might take the landlord into court with a good case for compensation in respect of improvements for which he had already paid heavily in the first instance. He would hail, with the greatest satisfaction, any measure which the united efforts of both sides of the House might produce, promising to bring contentment to Ireland. Without that contentment the country could not have prosperity. No discontented man could put his hand to the plough with vigour. He was not sanguine enough to believe that contentment would follow the acceptance by Parliament of this Bill. He prayed God it might; but if it did not, and if a defiant attitude—that unreasonably defiant attitude which now existed—was still to be borne towards England by the sister country; if a system of terror was to be kept in force against the operation of this measure if it became law, he did trust the Government would proceed in some different way—although it might be hard for them, as it must be for them all—and that measures would be taken, at all events, to secure, if possible, the lives of men who had no bad, no unneighbourly intentions towards those who lived on their land.

SIR ROUNDELL PALMER: Sir, in the few observations I have to offer I shall endeavour to confine myself, as strictly as possible, to questions of principle. And, first of all, I desire to join with so many others in an expression of gratitude to the Government for the manner in which, speaking generally, they have dealt with this most difficult question. I freely confess that I had hardly supposed it possible that any measure could be devised on the subject which should so nearly meet the difficulties of the case, and avoid getting into other and greater difficulties. In my opinion, if the Government had yielded to the wild demands which were made with loud voices—but I trust not really by the majority of the people in Ireland—they would have taken the most fatal course any Government could possibly have taken in a country like our own—a course of which no man could foretell what might have been the ultimate consequences. On the other hand, if they had produced some weak and inefficient measure, entirely inadequate to the magnitude of the subject, and in no degree calculated to satisfy what was reasonable in the expectations excited—to say nothing of the effect that might have been produced on the position of the Government itself—I think such a failure, after so much hope had been raised, would have been attended with disastrous consequences in Ireland. But, whatever else may be in doubt, on this occasion, I think it is not doubted by anyone that the Government has succeeded in producing a measure large enough and important enough to redeem it from the imputation of feebleness, and, at the same time—looking with candour to its general provisions—sufficiently in accordance with the principles of justice to redeem it from the imputation of being, in any degree whatever, revolutionary. I, for one, do cordially thank the Government for the manner in which they have, in dealing with so difficult a question in these respects, discharged their duty. With regard to the Bill itself, I cannot help observing that the sense generally expressed on the other side of the House as to the soundness, in most respects, of the Bill as applied to the present emergency in Ireland has been qualified by some criticisms, the force of which I confess myself unable to understand. The right hon. Gentleman, for instance, the Member for Northamptonshire (Mr. Hunt), while he commended the Bill in one point of view, so far as it proposes a present remedy for the present difficulties of Ireland, objected to it in another aspect, as settling a land code for the future, as tending to stereotype a bad system, and marking permanently a line of departure from the sound principles of the law of England. I do not concur in that view. As I read the Bill, it is simply and entirely a Bill intended to deal with the present circumstances of Ireland. You cannot, in dealing with such a subject, draw a line between to-day and to-morrow, and say the circumstances of to-day being entirely changed, the system suitable for to-day will be unsuited to the circumstances of to-morrow. When the progress of improvement in Ireland shall have happily advanced to the necessary point—when farms shall have become larger, and the unreasonable demand for land, without reference to the terms on which it shall be obtained, shall cease, the principles of English law may become suitable to the people of that country. The legislation of that day will, doubtless, adapt itself to the circumstances of that time. But these are not at present the circumstances of Ireland, and nobody can tell when they are likely to become so. That being so, you must deal with the existing situation of things as you find it, and with the immediate future as connected with the present state of interests and habits in Ireland. The whole, therefore, of that line of criticism seems—if I may venture respectfully to say so—entirely baseless. I quite concur with what the right hon. Gentleman said, and what was said before him by the right hon. and learned Member for the University of Dublin (Dr. Ball), in very much preferring the state of agricultural habits, and the general laws and customs relating to land, which prevail in England. That may be my prejudice as an Englishman, or it may be a sound view, as I believe it is. But, whether it is humiliating or not, we must look at the facts of the case; and, the circumstances of Ireland being admitted to be substantially different from the circumstances of England, dealing with circumstances in Ireland which do not exist in England, we must submit to the humiliation, and endeavour to legislate for those circumstances as well as we can. In that state of things, I confess the only questions I am disposed to ask myself on the second reading are—first, whether this Bill preserves the rights of property substantially; and, next, whether you are likely to do any good by it? With regard to the first of these questions, I confess I could not myself have been induced to agree to any measure which seemed to me, upon the whole, to involve any serious and substantial departure from those great and necessary principles on which, as it appears to me, the rights of property rest. Some of the schemes which have been proposed with regard to Ireland do seem to me, I confess, to entirely ignore these principles. I shall not go into the argument on that subject, because that point was exhausted by the head of the Government when he spoke of fixity of tenure, which, in plain English, means taking away the property of one man and giving it to another. My right hon. Friend said that, according to the principles of justice, if we transferred property in that way, we must pay for it. No doubt, we may take a man's property, but, in that case, we must compensate him for it. I prefer the doctrine of my right hon. Friend the First Lord of the Treasury to the extreme proposition stated by the Secretary for Ireland, as held by Judge Longfield. It seems to me that the language quoted as that of Judge Longfield is somewhat dangerous in its extent. That learned Judge appears to have said, that those who bought the Parliamentary titles, granted under the Encumbered Estates Act, could not complain of any subsequent legislation which dealt with landlords as a class, and not as private individuals. But that entirely depends on the nature of the legislation. An Act of general confiscation would, indeed, violate fundamental principles in all cases, and not only in the cases of persons having titles guaranteed by Parliament. But still, I think it cannot be denied, that it would be contrary to the special guarantee, as well as to general principles, if you destroyed in one Session titles, on the faith of which you had induced purchasers to invest their money, in another. There is no doubt that there may be a kind of legislation which would be the grossest possible breach of faith; but it does not appear to me that there is anything in this Bill at variance with the universal principles of equity, except, perhaps, the 3rd clause, which deals with estates not held under custom. That is the only provision which appears to raise a serious difficulty. With regard to legalizing the Ulster custom, no one has suggested that there is any serious difficulty on that point; but when the right hon. Member for Liskeard (Mr. Horsman) said that the extension of the Ulster custom to the rest of Ireland was open for our consideration, I must say that that does appear a manifest violation of the principles of justice, and to be impossible, if we mean to respect those principles. It is unquestionable that where the custom obtains and landlords and tenants act on it in their dealings with one another, in such a case it is a matter of honesty for the landlord to allow the tenant to have the benefit of the custom. But when you talk of extending that custom to other parts of Ireland, you speak of a change which would alter the terms which, in those other parts of Ireland, have already been agreed on between landlord and tenant; and, therefore, if you gave in such a case to the tenant the value of the custom existing elsewhere, you would be just taking so much from the landlord and giving it to the tenant. Another matter mentioned either by the Mover or the Seconder of the Amendment was the scheme of giving what, in substance, would be fixity of tenure, with a periodical valuation of the land for the purpose of determining the rent. A scheme more full of objection, both as respects landlord and tenant, I cannot conceive. On the part of the landlord it is objectionable, because you would take away from him his land; and on the part of the tenant it is likewise disadvantageous, because his rent would be just as variable and uncertain as under the present tenure, and would be sure to be periodically raised in many cases in which a liberal landlord might otherwise allow it to continue unchanged. Under such a scheme you would have constantly brought in a Judge or the State—and what could be worse than the interference of the State in a matter of that kind—to settle the terms of the holding, to value all the lands whenever the time of valuation came round—and there would be a continual conflict between landlord and tenant. The working of a somewhat similar system in India has been referred to; but I see, in a pamphlet by Mr. George Campbell, that he was against its introduction into Ireland, because he foresaw that even in India it would not long work as a tolerable system. I come now to the 3rd clause, which appears to contain the only serious difficulty of the Bill in principle. Suppose the case of a tenant who holds under no custom; yet, besides compensation for improvement, this clause proposes that such a tenant shall receive something for the loss he has sustained in quitting his holding if it is done by the act of the landlord. It is not possible to estimate the objections to, or the justifications of, that clause rightly, without bearing in mind another very important and elastic clause in the Bill, mentioned by my right hon. Friend when he introduced the Bill—namely, the 14th clause, which provides that, in the case of such a difference between the parties as obliges them to go into court, the landlord shall be able—as against any such claim as that mentioned in the 3rd clause—not only to set up any counter claim arising from the deterioration of land, breach of covenant, &c., but also any other circumstances of conduct on the tenant's part, which may justify him in the course he has taken. Without that safeguard it must be admitted that the Bill would be giving something to the tenant which does not belong to him, and taking away from the landlord something which belongs to him. But under that clause, if the landlord can show reasonable cause for eviction, he may reduce the tenant's claim to nothing, or so neutralize it as to make his compensation much less than it would be under the maximum of the scale in the Bill. Even so, I feel that such a provision can hardly be justified, unless on the ground of some great political necessity for placing a strong check upon arbitrary evictions, in the interest of property itself, and not as a mere boon to the occupiers of land. I am therefore led to ask, whether the Irish landowners generally object to this principle? And we got a reply to that question from the able speech of the hon. Member for Carlow County (Mr. Kavanagh), who said that, looking the clause clearly in the face as a penalty on bad landlords for unreasonable evictions, he thought it would be for the benefit of landlords, on the whole, as giving to them, as well as to their tenants a greater security of tenure. If that be its true character I draw this corollary, that it will not upon the whole diminish the value of land in Ireland. At the same time, I hold myself fully at liberty to consider in Committee whether the clauses connected with this subject do not require amendment for the purpose of preventing any possible injustice. Great objection has been made, as if there were something contrary to principle in the matter, to those parts of the Bill by which it is provided that certain rights given by the measure shall not be contracted away. I see no objection to that.

If the Bill be wanted by the circumstances of Ireland, it is so on the principle that bad landlords and small tenants willing to get land on any terms are not to be trusted to contract equally with each other, and that the want of some safeguard in this respect is a source of serious political danger in Ireland. In that case it is consistent with sound principles of policy, and with many instances which might easily be produced from the laws of the country, to say —"On those points, and for those purposes, in respect to which the law cannot trust the landlord and tenant to deal with each other, the law shall make a contract, and they shall not be able to alter that law." That is a sound principle if prudently applied. It has also been asserted that enormous litigation will grow out of the Bill. Well, everybody knows that you cannot give legal rights without also giving legal remedies. But I do not think it is a just view of these clauses to say that, as a general rule, their tendency is to force parties into litigation, or to invite them to it. They are really addressed to this end, that if differences take place which make a resort to justice necessary, the litigation shall be as short as possible, that the remedy shall be as simple, as accessible, as summary and as cheap as it can be. If we are to have the Bill at all—and I confess that I look upon the necessity for the Bill as a great misfortune—but if the necessity really exists, we must provide both legal rights and legal remedies; because it proceeds upon the supposition that there are bad landlords, who will not do justice to their tenants, and bad tenants, who will not do justice to their landlords unless they are compelled by law. I do not think we need trouble ourselves very much about the clauses for enabling people to acquire land. It seems to me that they are very unimportant; but I am quite willing that a little money should be so spent, and that the experiment should be tried upon the responsibility of the Government. I will say but a few words on the effect to be expected from the Bill. No man can expect that standing alone it will accomplish its object. No wise man, who knows the history and character of the outrages that have disgraced the Ireland of the present day, can believe that those who are guilty of those outrages draw any just or equitable distinctions. Whether the evictions be for non-payment of rent or for any other cause, the evidence before the Devon Commission, and much later information which has reached me, and which I am sure I can trust, proves that those who have no regard for other men's lives are just as likely to use the violent methods to which they are accustomed where a landlord has done no wrong, and where an eviction has taken place for the most justifiable cause, as where it has been for the most arbitrary cause. That evidence proves that such ruffians not only draw no distinction between eviction for non-payment of rent and eviction for any other cause, but it proves that old claims, aye, and claims that have actually been amply compensated, are, sometimes after the lapse of many years, raked up, and raked up for purposes of the most horrible description. No wise man, therefore, will expect that this measure, standing alone, and recognizing, as it does recognize, the rights of both landlords and tenants, will of itself put an end to these outrages, or produce that peace and harmony which we all so much desire to see established in Ireland. But I apprehend it will do this—it will remove everything like plausible reason — justification, of course, there can be none — for any connivance on the part of those of the people who are not themselves guilty of these outrages, with the outrages, and with the persons who are guilty of them. It will remove, as far as legislation can remove it, the moral cause of the outrages, and that being so, the Government will have full moral justification for those ulterior measures which I quite agree with my right hon. Friend (Mr. Horsman) in thinking will be found to be the necessary complement of this Bill—measures without which it cannot by any possibility succeed — if indeed the influence of those who lead the people of Ireland, and the moral power of the better and much more numerous part of the population should not at once be sufficient, as we hardly dare hope it can be, to put an end to these disorders. It is absolutely necessary, for the success of the Bill, that these disorders should be put an end to. It would be a mockery to talk of justice; it would be a mockery to talk of redressing wrongs, if you allowed the greatest wrongs to pass unredressed, if you allowed the rights which in this Bill are solemnly asserted to remain at the mercy of the secret assassin and of the bands of conspirators who can invoke him when they please. It would be an absolute mockery. Your Bill will not be worth the paper it is writen on if it is not followed up by measures sufficient to establish the authority of the law. Nor will it do to say that in Ireland you can only apply the measures which are suitable to the circumstances of England. This Bill is, in every line of it, an answer to such an argument. This Bill is not suitable to the circumstances of England, and it is so, because the circumstances of Ireland are different. If in England we had such outrages and disorders as prevail in Ireland, does anyone imagine for a moment that we would encumber ourselves with difficulties arising out of constitutional forms and precedents, if they stood in the way of the object for which laws exist and did not tend to fulfil those objects? It is, then, I maintain, the most sacred duty of the Government to render their measure effectual by protecting both tenant and landlord in Ireland in the enjoyment of their legal rights, and by putting an end to the murders which now make peace and prosperity in some parts of Ireland—happily they are but a few parts of Ireland after all—impossible. But, mind, though it is true that they are but a few parts of Ireland, no man can tell to how many other parts these crimes would extend, if such a system were allowed to go on unchecked. And I must say, that of all the mockeries in the world, the greatest is to talk about the mischiefs absenteeism produces, and to express a desire that landlords should reside among their tenantry, be the dispensers to them of benevolence, spend their money on their estates, and discharge the other duties which belong to their position, when if a landlord residing upon his property only seeks to obtain his rent, or to exercise the rights of a proprietor for some other just and lawful purpose, his life and the lives of his servants, agents, and children immediately become at stake. I do not think anyone can fail to see that the impotence of the law to punish the commission of crime in Ireland tends to dissolve all the bonds of society. The effect of such a state of things does not stop with the landlord; it goes down to his bailiffs and agents, to the railway official and the egg merchant; in short, any man who seeks to do what he is allowed to do by the law, and who is the object of his neighbour's jealousy and envy, is liable to have not only his property but his life placed in danger. Nothing on earth, I may add, should induce me to support this Bill but my firm conviction and persuasion, that the Government, which has exhibited so much courage with respect to this Bill, which displayed equal courage last year, although I did not then agree with them, and which is supported by so large a majority both in this House and in the country, are as much determined to do their duty with regard to the steps which remain to be taken for the purpose of protecting life and property in Ireland, as they have shown themselves to be in producing these conciliatory measures, which, if they have the desired effect, may succeed in reconciling two countries which have been so long and so unhappily divided.

VISCOUNT BURKE said, that though the measure had undeniable excellences, no one could doubt upon examining it that it was fraught with injustice to the landlord. On looking impartially at the question, they must observe with surprise how small was the injustice complained of, compared with the magnitude of the discontent it had caused, and the still greater difficulty of removing the double evil of the discontent and the injustice, without doing injustice to another class at the cost of the nation's good faith. To satisfy both tenant and justice appears beyond the power of this Bill, which cannot cure by one spasmodic effort of legislation, however ably planned, this agrarian evil, which, although at first caused by injustice, has now, by long continuance, become a second nature, with a life of its own too strong to end with the cessation of its cause. He thought they were in the habit of exaggerating the state of affairs, and of magnifying the injustice of laws which were defective, as affording facilities for injustice on the part of landlords, rather than unjust in themselves. Take, for instance, the case of non-compensation for improvements, which we have lately been taught in England to call a wicked felony. Other nations did not take that view. In introducing this Bill the right hon. Gentlemen at the head of the Government had quoted words used by the Emperor of the French, as a gratifying instance of foreign sympathy, and as an incitement to us to do justice to Ireland. But what was the custom in France with regard to improvements? The French tenant neither got nor expected compensation for improvements unless it was settled by a distinct compact. Now, during the last eighteen years the French peasant, of whom the tenantry formed a larger portion than was usually suspected, was looked upon as the backbone and support of the Imperial system, while the great landowner was generally to be found among its opponents. If, then, the French tenant-farmer considered himself the victim of injustice, would he not have appealed to the Government that he knew was his friend, and would a Government so wide awake have overlooked the opportunity of conferring a benefit on its friends at the cost of its foes? Surely their neighbours were sufficiently intelligent and civilized and alive to their own interests, and yet it appeared they did not share our views on this question of non-compensation for improvements. But, granting that it was unjust that the landlord should have a property in the tenant's improvements, that portion of the Bill which gave a third or fourth part of the landlord's farm as a compensation for eviction was equally unjust; because, if the improvements as the fruit of the tenant's capital are in equity entirely the tenant's, the farm, as the fruit of the landlord's capital, must equally be entirely justly the landlord's; but Clause 3 scoffed at the landlord's right of property, though the Bill proposed to assert that right by law, in order to protect the tenant. He might be told by those who objected to landlords — and there were lots of such men about — that the landlord could afford to be plundered, while the tenant required protection. He would therefore compare the tenant, not with the landlord, but with another section of the labouring instead of landlord class. When the head of the Government brought in the Bill, he compared the manufacturing interest with that of the tenant-farmers, and he contended that the legislation which was good for the one class must be good for the other. He would, therefore, with all humility, tread in the footsteps of the right hon. Gentleman, and would advance only one step further along the same path. He would compare the case of the manufacturing operative who earned 18*s*. a week, with the case of a tenant-farmer who earned about the same sum. The operative got one week's notice to quit, and at the end of that time 18*s*. if he had earned it. But this Bill proposed that the tenant-farmer should have one year's notice to quit. That was to begin with fifty-two times the notice the manufacturing operative got; but he was also to have five years' rent, equal to five years' wages, and that without doing a single day's work, so that while he was earning five years' wages by doing nothing, he might earn other five years' wages by doing something. The farmer thus earned over £500 during the time that elapsed before his notice to quit was practically out. But the operative earned only 18*s*., so that they estimated the loss to the tenant-farmer at 572 times more than the loss to the operative, although the financial and social condition of both were the same, and although the right hon. Gentleman at the head of the Government found so much similarity between the two cases as to think that what was sauce for the one was sauce for the other. He would now refer for a moment to the Ulster tenant-right. He would not waste the time of the House by exposing the absurdities, the disadvantages, the inconveniences, and defects of the system, which appeared to be a failure founded on a fallacy. But he would test the worth of it by the standard set up in this Bill. They were told that Clause 8 was intended to prevent extravagant contracts, and to stand in the way of impossible rents. For instance, a case was cited of a farmer who had contracted to pay 32*s*. an acre for land only worth 18*s*., and Clause 8 was intended to check that practice, on the ground that so extravagant a contract would preclude the farmer from keeping himself and his farm in good heart. Now, under the Ulster tenant-right system, which the Bill proposed to legalize, a man paid as much as twenty years' purchase over and above the fair rent of the farm—that was to say, not 32*s*. for land worth only 18*s*. an acre, but 36*s*. If a man could not afford to pay 32*s*. for such land, how could he afford to pay 36*s*.? This Bill proposed to legalize the Ulster tenant-right system, and to perpetuate by one clause, as too good to be lost, a mischief which another clause was designed to prevent as too bad to be tolerated. We were on the wrong tack, he believed, with regard to this Ulster tenant-right; he admitted it ought to be under the control of law to regulate that which was capricious and uncertain; but legislation should aim not at perpetuating it as a blessing, but at its gentle extinction, with all convenient tenderness, as a curse. In accepting the invitation so wisely given by the Government to discuss and criticize the provisions of this Bill, he had been in no wise actuated by a carping spirit of hostility, because no man could desire more sincerely than he did the immediate settlement, as far as feasible, of this question; nor would he attempt the defence of the landed interest, because he believed, with some comparatively minor exceptions, which he hoped might be repaired in Committee, the material interests of the good landlord would be fairly preserved by the Bill, and as for the bad landlord he would say—"Serve him right." In conclusion, he would urge the House to beware lest the cry of "Justice to Ireland" should degenerate again, as of old, into favour to one class though a new one alone, instead of meaning, as it ought to mean, justice to all.

VISCOUNT ST. LAWRENCE said, that although closely connected with the landed interest of the country, he could not take the same views of the Bill as the noble Lord who had just spoken. He took a broader view of the question, and whatever inconvenience it might entail on the landlords, sentiments of patriotism and duty ought to make them accept those inconveniences. Since the last General Election great progress had been made in the ideas and sentiments of the Irish people, and especially in those who led them on the land question; but he had not been able to keep pace with that progress. He clearly abided by the address he had issued to his constituents, the precepts contained in which were short and simple—the conferring of benefits on the people of Ireland which they required, and especially that full security of the tenant should be guaranteed. He should like to see the Bill amended in that respect. He considered the extension of the Ulster tenant-right necessary, and that it should be applied to the other three Provinces. He would respectfully invite the right hon. and learned Member for the University of Dublin (Dr. Ball) to emerge from the cloisters of erudition and learning, and, walking into the noontide of reality, there test his arguments. He would ask the right hon. and learned Gentleman whether, if tenant-right had existed for fifty years in Westmeath, Meath, and Tipperary, there would have been such agrarian crimes as disgraced those counties? He (Viscount St. Lawrence) admitted that there might be a difficulty in defining tenant-right, but thought that the Ministry were capable of originating a measure which should confer equal benefits on the whole of Ireland. He was dissatisfied with the power proposed to be given to landlords to evict tenants for non-payment of rent, for he considered that in case of such emergencies as the cattle plague, famine, or family sickness, such a power should not rest with the landlord, unless he were prepared to tender to the tenant compensation as provided by the Act under the ordinary process of eviction. The courts ought also to have some power of controlling rents judiciously tendered to them; for unjust evictions or exorbitant rents—arbitrary powers good landlords never exercised—had been the direct or indirect cause of almost every outrage that had been committed in Ireland. His only objection to the Bill, regarding it from a landlord's point of view, was its tendency to produce litigation. All classes of his countrymen were prone to engage in litigation. Still, if matters were left to the landlord and the tenant alone, they might go on pretty smoothly. But, unfortunately, in Ireland the fag-end of the legal profession consisted of practitioners who were as seductive as sirens in alluring men to go to law, but who no sooner had their clients in their meshes than they began to devour them like harpies. That class of practitioners, it was to be feared, would make a trade of getting up actions between landlords and tenants. As a remedy for that evil, however, he thought the tribunals for dealing with cases arising under the Bill should be made simply courts of arbitration, and he felt satisfied that it would be far better and cheaper both for landlord and tenant if the county cess or some other local tax were to pay one-half their expenditure and the country the other half. In agricultural counties such as Kilkenny and Wexford, the agrarian crimes amounted to almost nothing, whereas in Westmeath and Meath, which were grazing counties, the number perpetrated was fearful indeed. The more the ploughshare came into use therefore the better would it be for the country, and, indeed, without agriculture this Bill would be a mere myth. Was this measure to be a final settlement, or only one of progress? If it were a progressive measure it was a step in the right direction, and their views and wishes would be brought gradually into harmony, and for his part he hoped most earnestly that it was not to be a final settlement. One thing filled him with apprehension, and that was the fear that the Irish Members would not be sufficiently united to bring their force to bear in support of desirable Amendments in the Bill. Every right-minded Irishman must have seen from this debate that both sides of the House were fully determined to allow no measure concerning Ireland to pass into law that was not constitutional and consonant to justice. For his part, he felt that there was a debt of gratitude due to the Ministry for the disinterested manner in which they had endeavoured to serve Ireland. The good seed had been sown, and, though the storms of winter might be passing through it, the policy they had inaugurated of doing justice to the Irish tenantry would ultimately bring to the country a rich harvest of peace and prosperity.

MR. CONOLLY remarked, that every measure upon this subject which had hitherto been proposed upon either side of the House had been found so faulty as to meet with speedy rejection. He freely confessed that this measure was the least open to the charge of being framed to sacrifice the interests of the landlord of any of the measures which had been brought forward. No doubt by it the rights of the landlord would be curtailed in some particulars, but the rights so dealt with were mostly those which no good landlord would wish to enforce. There were also some concessions made to the tenant at the landlord's expense; but those, again, were mostly such as no good landlord would refuse. He did not think he was in any way deserting the order to which he belonged when he said he had no hesitation in giving his support to the second reading of the Bill. He did not participate in the objections urged by his noble Friend (Viscount Burke) who had spoken a little before with so much ability. If that noble Lord had spent most of his life, as he (Mr. Conolly) had done, among the tenant-farmers of Ireland, always receiving kind and generous treatment from his neighbours, he would not have advanced those critical objections to the Bill which he had done. He, for one, having received the greatest confidence from his tenants and friends—a confidence almost unmerited on his part—had no hesitation in saying that he would cheerfully give up some of his rights for the benefit of his country. It was true this Bill could not operate beyond a certain sphere; but he would not be doing justice to Her Majesty's Government if he did not say that sphere was a good one. It would operate most beneficially upon those who were willing to live honestly and industriously in the home of their fathers in Ireland; as for those who looked forward to revolutionary change to them it would give no satisfaction. But those who agreed with him looked only to the interest of the honest and industrious tenant. There was one rule and only one to be meted out to those who despised and rejected all law and order in Ireland. It was utterly useless, as it was beneath the dignity of the Government, to palter with persons of that description; but he would give the Government credit for this, that they had done in this Bill everything that was required to meet the wants and insure the confidence of the industrious tenant. As a Member from the North of Ireland, it would be expected that he should say something about the tenant-right clause. He did not agree with those who thought this clause ought to be extended to the rest of Ireland. Tenant-right was properly designated "a custom," and his learned Friend the Solicitor General for Ireland (Mr. Dowse) had very justly said that we could not create a custom. Custom was a plant of slow growth, and could not be grown in every soil. It had, however, become a strong and vigorous tree in Ulster. The inhabitants of Ulster were devotedly attached to tenant-right, and however faulty it might be in some of its circumstances they hailed with the utmost delight the prospect of its now receiving the force of law. His learned Friend the Solicitor General for Ireland would bear him out when he said that almost all the landlords in the North of Ireland had accepted this custom, and acted upon it, giving it the full force of law. That was, after all, only their duty. Nevertheless, they did not think it was the best custom of the kind that could be established. It appeared to him that it locked up capital which might be more usefully employed. He would give a very forcible reason why it should not be extended to the rest of Ireland—it had a direct tendency to impose a double rent, and though it might be perfectly true that a high rent acted very often as a good manure, still the South and West of Ireland would hardly think a double rent a good cure for all their grievances. The tenant-right of Ulster, too, differed in many parts of the North of Ireland. He knew for example that in one part a man might walk into a farm of 500 acres without being required to pay any money, whereas in Donegal he would have to pay £2,000 before he would be allowed to work it. Now he asked the hon. Member for Mayo (Mr. Moore), when he spoke of extending the Ulster tenant-right to the rest of Ireland, to digest that fact if he could. It was marvellous to him how a Bill of this magnitude could be introduced with such few objectionable provisions as the present. It was not consistent with justice that a tenant evicted for non-payment of rent should have a right to compensation. He might say for himself, and others also, that they never evicted a tenant unless for criminal conduct or default in his rent. But in neither the one case or the other ought the tenant to have a claim to compensation. But if a tenant were removed merely to suit the convenience of the landlord, then he was in favour of giving him as much as five years' compensation. Nothing was more desirable than that the labourer, from whom so much was hoped, should be properly housed, properly clothed, and properly educated. But all that ought to be done under the superintending care of the landlord, than whom nobody had a greater interest in the improvement of the population. It was the landlord's duty to look after the labourer, and from that duty he ought not to be separated. He did not like Clause 63, which imposed on the landlord the duty of paying the county cess in cases where the holding was under £4. That species of legislation was attempted under the Poor Law Act. It was first suggested by the hon. Member for Galway in a clause which had since been called "the Gregory Clause." That clause had produced a great number of evictions with a view to get rid of the poor rate, and if that were so, how much more likely was this clause to have the same effect? Instead of taking the cess off the shoulders of the small tenant and putting it on those of the landlord, he would be inclined to put both the poor rate and the county cess on the small holder, for he, too, had duties to the poor and the county which he ought not to escape. The rate of wages was rising, and he hoped the day was not far distant when every man of the labouring class would be able to say that his labour was properly remunerated, and would be able without difficulty to meet all the demands that might be made upon him as the head of a family and as a citizen. He would give an instance that had come within his own experience in which he had been able to reclaim men from a dangerous and criminal enterprize upon which they had entered. In the year of the rising at Tallaght two young men of the labouring class in his own neighbourhood were denominated respectively captain and colonel in the future revolutionary army. Speaking to them he said—"You are out of employment, but I hear you are going to be colonel and captain in the new army of invasion?" "Yes, Sir," they replied, "and we hope it will succeed." In answer to this, he said—"Take my advice; leave that army as soon as possible, and come and join in my farming operations. I will give you some draining to do, and if you do it properly will remunerate you to the tune of about 15*s.* a week, which will be better than the pay and glory of colonel and captain in the army of revolution." The men were kind enough to believe what he said was well intended; they left the Tallaght detachment and joined his farm labourers, the result being that they had since obtained for themselves houses and small allotments of land, paid their rents and taxes, and they now blessed the day on which they went down to the bottom of the drain rather than up to the top of Tallaght Hill to fight for their country. That showed what might be done on a large scale if the labouring class would trust their superiors. The Government should reconsider the provision respecting the labouring class, and place every labourer in a position of independence. He would have great pleasure in going for the first time, on the division on the second reading, into the same lobby with the Government.

SIR JOHN GRAY said, that as he intended to vote against the second reading of the Bill, he would trespass upon the indulgence of the House for a little time in order to state the reasons which influenced him to take that course. He should do so not because he thought, but because he knew that the Bill would be unsatisfactory to the people of Ireland; not because he thought, but because he was thoroughly convinced that one of the great and primary objects contemplated by the promoters of the Bill would not be accomplished by the measure now before the House. The object to which he alluded was the pacification of Ireland, the bringing of the country into a condition of content, the stamping out of disaffection, and the uniting of the Irish people with the other inhabitants of the Three Kingdoms as faithful and loyal subjects of the Sovereign, devoted to the Constitution, and anxious to sustain the laws of the land. This he knew to be the wish of Her Majesty's Ministers, as it was also the wish of those hon. Members on both sides of the House who supported the present Bill. With that object he thoroughly sympathized. For it he had long laboured against many difficulties and disadvantages, and he had not lost hope that in the end it would be achieved. It was because he knew—and he used the word advisedly—that the Bill would fail in achieving this great object, that he was anxious in the most solemn and emphatic manner to enter his protest against the measure, as one which in its present partial, complicated, and imperfect form was not only not calculated to give satisfaction to the Irish people, but would irritate for no rational or financial purpose, and by its unrighteous inequality add to, instead of allaying, the present discontent. The Premier, whose intentions he believed to be of the best possible character, and who had devoted himself earnestly to the great object of bringing the people of Ireland into perfect unity with those of England, promised the House, when introducing the Bill, that it was to be a measure for granting "security of tenure" to the tenantry of Ireland; but on examining the Bill when it was laid on the table, he (Sir John Gray) found that the words "security of tenure" did not occur in the Bill from beginning to end. In fact, the Bill was not a Bill enacting security of tenure; it was a Bill to give compensation to evicted tenants—mitigating largely, he would admit, the cruelties of the present law, but tending to lessen the security of the most numerous class of tenant-farmers, by removing the difficulties that now beset the paths of the consolidator. To grant that security might have been the intention of the Premier, and if the right hon. Gentleman said it was he (Sir John Gray) was ready to accept the assurance; but the House had to deal, not with the promises of the Minister, but with the provisions of the Bill, and any man who knew Ireland would find, on examining the Bill, that it was not calculated to secure the tenants in the occupation of the land, but to give them compensation after they had been evicted and rooted out of the soil. The Bill contained no declaration of the principles on which the amendment of the existing law was to be based—no "whereas it is expedient to give security of tenure to the holders of land in Ireland"—and he was therefore forced to look for the principle of the Bill to the policy developed in its provisions. The framers of the Bill evaded the open avowal of that policy, but the several clauses proclaimed it. That policy was consolidation; and the policy of a measure being its principle, he was bound to protest at this, the only stage at which it could be done, against the principle of the measure then under consideration. What the Irish people asked from the Minister and from the House, and what they would continue to ask until they got it, was, that the notices to quit, described in the eloquent words of the Premier as things showered out upon the people and falling over the face of the land like snow-flakes, should be put an end to, and that eviction, except for legitimate causes, as non-payment of rent, subletting, or wasting of the land, should altogether cease, as practically it had ceased on many of the best-managed estates in Ireland. They asked, further, that those who were placed by Providence upon the land should feel themselves secure in the enjoyment of all property they could create in the soil—secure not only in the possession and enjoyment of the property created by themselves in the soil, but in their right to live in the land which was made for them, and from which no man had a right to sweep them out as men sweep vermin from their granaries. For centuries the ancestors of the persons now occupying many Irish farms had lived in succession upon the same holdings, and none of the landlords of these estates ever thought of disturbing these tenants, or would feel justified in driving them out. Official documents in the possession of the House, and the now celebrated eleven Reports of the Poor Law Commissioners, contained in the small blue book he held in his hand, and which was compiled by order of the Government with reference to the question before the House, showed that in the Province of Ulster, and under the tenant-right there prevailing, one, two, three, four and five successive generations of men had occupied the same farms, and had never been disturbed, and that, as a rule, the landowners in that Province did not look upon such a state of facts as in any way depriving them of their proprietorial rights. If this could be rendered universal over the whole country, it would be better than inflicting penalties on landlords for acting in accordance with law. Call that right of continuous occupancy what they might, call it either security of tenure, or stability of tenure, or fixity of tenure, and he (Sir John Gray) saw no difference between these terms, it would give satisfaction to the whole Irish race, and break down and stamp out the sympathy which to so large an extent now existed between the Fenian element in the towns and the agricultural element in the rural portions of Ireland. Having thus stated his objections to the Bill, as one tending to consolidation and depopulation—as a Bill for providing compensation for the evicted, not for security of occupation—he would state some reasons for objecting to some of the details of the proposed measure. He objected to it because it was partial, though probably not intended to be so; because it was unequal, and, because, instead of giving one law for all the occupants of lands in Ireland, it gave four—each being in succession, as he understood them, worse than the other, and none of them effectual for the security of tenure promised to the Irish tenants in the opening speech of the Premier. Any hon. Gentleman looking at the Bill would find in Section 1 a system by which the casual reader would imagine that the Ulster custom was legalized and perpetuated; but, on carefully examining the section, it would be found that the Ulster custom was not legalized, and that instead of the ancient custom of Ulster the Bill, as drawn, legalized the modern "rules" of each separate estate. He would presently refer to the "rules of the estate" in detail, and content himself for the moment with asking the House to remember that the 1st section did not deal with the "Ulster custom" or with "the custom of the district," but with the custom on each separate holding, which, in fact, meant "the rule of the estate," and that it was this estate "rule," as it applied to each separate holding, and not the custom of Ulster, that the Bill professed to legalize. In the next section there was another law for another class of holdings situate not within the Pale of Ulster, which did not apply to all holdings in the other three Provinces, but only to a certain class of holdings in Munster, Connaught, and Leinster. In the 3rd section there was a totally distinct law of landlord and tenant, making a provision for another class; and the 4th section applied to yet another order of tenantry; so that instead of offering to the people one law, one empire, one Constitution, and one sovereign to rule over all, there were four laws for four separate classes, creative of jealousies, perpetuating the old feuds of the Pale—creating, in fact, anew the old favouritism of the Pale, and excluding all without the Pale of Ulster from the benefit of the Ulster custom—a system which he (Sir John Gray) deprecated as suggesting, with regard to the Empire and the Constitution, subdivisions in accordance with the example of this Bill. He would warn the Government of the dangerous results that were sure to flow from the example of this Bill, and ask them, if they desired to have one Empire and one Constitution, to give one law, and not stimulate the fertile imaginations of the Irish people to follow the Government example and seek for remedies, to the nature of which he would not even allude, believing, as he did, that they ought to be blotted out from the minds of the people. The true policy of a Government aiming at the consolidation of the Empire should be to stimulate towards unity, by the enactment of one and the same just law for all, instead of towards breaking the Empire into fragments by teaching that unity of law, or unity of Empire, was not essential to the unity of the Throne. What he asked was one law of landlord and tenant for all Ireland, and an avoidance of the results of the policy of the "Pale," and of the feuds that arose from it, and rendered Ireland what she was. With the indulgence of the House he would now call attention more in detail to the provisions with regard to Ulster as contained in the 1st section of the Bill. That section, as he before stated, did not legalize the custom of Ulster, it legalized the usage of each separate holding, which was, in fact, legalizing "the rule of the estate," a phrase but too well understood in Ireland. Both the language of the Bill and the explanations of it which had been given by the Ministers and the Law Officers showed that what it was intended to preserve and perpetuate was the usage of the particular holding in each case. ["Hear, hear!"] He accepted that "hear, hear" from the Treasury Benches as an indication that he had rightly stated the meaning of the words of the section, and not misunderstood their interpretation, and he hoped to show the Government and the House that the legalizing the usage of each "holding" was not the way to legalize the Ulster custom where it existed, but was the very reverse. According to the terms of that section each landlord and agent would be converted into a law-maker, and the tenantry would be bound, not by the Ulster custom, but by the "rule of the estate," as proved to exist, whatever that rule might be. His right hon. and learned Friend the Member for Dublin University had quoted from one of the eleven Reports a short passage showing how much the rule of one estate differed from another, and deduced from that variance that the Ulster tenant-right custom could not be defined—a very natural mistake to fall into, for the writer omitted to point out that the Ulster custom was one thing, and the price to which its value was curtailed by the other encroachments made upon it, and the conditions under which the rule of the estate or "office" limited its application, on which alone it was "allowed"—to use the appropriate words of the section—was another and very different thing. The Ulster custom did not provide for a fixed price, and, therefore, no price ought to be defined. The rule of the estate often did; and, therefore, the clause ought to legalize the custom, and not the rule applicable to each particular holding. The court, according to the Bill, would be prevented from extending to one estate the better and more enlightened rules which might prevail on the estate adjoining; and the Bill in effect would fasten round the necks of the tenantry of Ireland "the rule of the estate" which had been framed by the landlord and his agent, and with regard to which the tenants had never been invited even to make a suggestion. The right hon. and learned Gentleman the Member for Dublin University showed that by the rule or usage of one estate the value of the custom was limited to £2 per acre, and that on a number of estates it ranged from £3 to £5, and even up to £25 per acre, according to the "usage" or rule of the estate. It was this usage or office "rule" they were about to legalize, and to this he objected, and against this every man who understood what the "rule" of an estate meant would protest. His learned Friend the Solicitor General for Ireland spoke most eulogistically about the Judges of the local Courts who would have to administer the law contemplated by this Bill. He spoke in the same terms—and justly so—of the courts of appeal; but all these courts would be bound by the terms of the Bill to give force to the estate-rule, and not to the custom of either Ulster as a whole or of the district in which the special farm was situate. In the same parish two estates might be found, on one of which the custom was limited by a rule or usage to £3 per acre as its price, and on the other there might be no limit, and the price might be £12. But what were the consequences following from the adoption of this rule? Hon. Gentlemen from Ireland, to whom the rule of the estate was a household word, knew that if this estate-code were broken in one point it was broken in all; the infringement of any one rule vitiating the whole contract under which the farm was held, depriving the tenant of every privilege conceded by the code, and subjecting him to immediate removal. The landlords or their agents prepared these codes or rules, made them part of the whole contract for tenancy, each section of the code acted and was re-acted on by every other section, they became a part and condition of the tenancy, and their rigid observance was the essential condition on which the tenant was allowed to sell his goodwill in any case in which the sale was provided for by the code. Like the Ten Commandments, he that broke one rule was held by the agent to have broken all, and to have forfeited all rights dealt with or conceded under the rule. It was this code, or rule, or "usage" as to each particular holding "in the Province of Ulster"—to repeat the words of the section—and not the custom of Ulster that the Bill legalized. He was satisfied that the right hon. Gentleman at the head of the Government never intended that a code such as he described should receive the sanction of law. Yet his Bill distinctly, but he hoped unintentionally, provided for legalizing it. He would illustrate the inevitable operation of legalizing the "usage" of estates, instead of legalizing the Ulster custom, by mentioning a case that occurred in the South of Ireland, where a tenant was expelled for breaking the rule of the estate. The rule or usage required the tenants to preserve the game, and this man flung a stone at a hare and killed it, and he was at once noticed to quit and ejected. If the Premier did not want to legalize these rules he must alter the phraseology of the 1st section of his Bill and legalize the custom of Ulster, which may be popularly and yet accurately defined as the "right to sell the interest in the holding and the right of occupancy at a fair rent, to be agreed on or otherwise settled, to a person to whom the landlord cannot reasonably object." This would be a boon to the tenants of Ulster; but to legalize the office rules, be they good or be they bad, and give them the force of law, would be an unmitigated evil. He (Sir John Gray) hoped Her Majesty's Government, and especially the head of the Government, did not intend to fasten the rule of the estate office round the necks of the tenantry as this Bill in its present form did. [Mr. GLADSTONE: Certainly not.] The Bill now did so, and the courts should rule so, for it was the usage of the estate as applicable to each holding that was legalized. He would now give another illustration of the working of the "usages" of estates. Upon another estate, said to be one of the best-managed estates in the South of Ireland, a petition was presented some years ago to the landlord which concluded with this statement—

> "Without the permission of the agent no tenant could marry or procure the marriage of his son or daughter, even though it did not involve any change of the tenancy."

[*Laughter.*] Hon. Gentlemen laughed, but he presumed it was because that they felt that in England, at any rate, such a rule would be impossible. But the rule did exist in Ireland on the particular estate, and, for all he knew, existed still. [An hon. MEMBER: Name!] No; he had not come there to raise indictments against landlords or to make offensive accusations against individuals; but the petition of which he had spoken was presented to a noble Peer, and he believed the rule was still in existence. Another striking rule of the estate would be found in the published reports of a criminal trial in Ireland, at which the present Chief Baron of the Exchequer presided —Chief Baron Pigott. A boy, whose grandmother was his only support, came to her an orphan — his father dead and his mother buried. The grandmother was noticed by the agent, and had to turn out the boy, being threatened that she herself would be evicted if she harboured him any longer. He then sought shelter with a more distant relative, but notice to the like effect was also served on him. The boy was pushed from the door on a cold frosty night, and in weakness and hunger he fell. During the cold night he lay there injured by the fall, but weakened still more by the cold and hunger next morning he was picked up a corpse. The man who had pushed him from the door was arrested. It was proved that he had pushed the boy from the door, but did not strike him; and these are the words in which the Judge addressed the accused after he had been found guilty of manslaughter—

> "The poor boy whose death you caused was between ten and twelve years of age. His mother had at one time a little dwelling from which she was expelled. His father was dead. His mother had left him, and he was alone and unprotected.

He found refuge with his grandmother, who had a little farm from which she was removed in consequence of harbouring this poor boy, as the agent of the property had given public notice to the tenantry that expulsion from their farms would be the penalty inflicted upon them if they harboured any person having no residence on the estate."

The Chief Baron added that the man he was then sentencing did not intend to kill the boy, but was forced to do so in self-defence, for he could not afford to lose his farm. Such was the "rule of the estate" in Ireland, and he was glad to hear that they were not going to affirm the custom of every such estate, and that the phraseology would be changed, for as the Bill now stood it was the usage of the estate that would be confirmed, not the tenant-right custom of the district. He objected to the Bill in other of its details because it did not make the same provisions for the protection of the tenant-custom in the South as it did for the tenant-custom in the North. The Solicitor General for Ireland, in his rather too amusing speech the other night, said that the tenant-right of the South was made legal custom in the same manner as the tenant-right in the North.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE): You are not a lawyer, and cannot interpret an Act of Parliament.

SIR JOHN GRAY admitted that he was not a lawyer, but he had a little common sense, which was sometimes as good as law, and any person who would compare the provisions of Section 1 with those of Section 2 would at once see that there were three sub-sections under the 1st section, and that it was distinctly stated in the 1st sub-clause that the tenant-right of the holding shall be a legal custom in the case of every holding in the Province of Ulster. Was there such a clause under Section 2? The word "legal" or "legalizing" did not occur at all in Section 2, which applied to the custom of the South, and though he was not a lawyer common sense told him that the two sections of the Act dealt in totally different ways with the usages of the Northern Province and of the other three Provinces. If they looked not only to the negative but to the positive provisions of the 2nd section it would be found that it clearly abolished the custom in the South as a tenant-right custom, instead of legalizing it, as his hon. Friend the Solicitor General for Ireland stated. There were other provisions in the 2nd section which even more clearly demonstrated that though the statement of his learned Friend might be in accordance with the intentions of his chief, the drawer of the Bill managed practically to set aside and extinguish the custom—for after the observation of the Premier as to the "usage" of the estate he would accept it as a fact that the custom of the district, not the rule of the office, would be legalized by the 1st section—of the three Provinces. In the first sub-section of Section 2 it was provided that it was only after the "disturbance" of a southern tenant — after eviction had been decreed — that the local custom came into operation to protect the tenant, whereas the word "disturbance" had no place at all in Section 1, which related to the new Pale to be created with respect to Ulster. There was a recognition of the existence of a custom in the South; but there was, he contended, no legalization of it, and the tenant-right custom, as he would show, was, in fact, to be extinguished gradually in the three Provinces, and have no permanency outside the charmed circle of the North. Under the provisions of the sub-clause of the 2nd section the tenant of a holding under a lease granted for not less than thirty-one years was, after the passing of the Act, to have no claims whatever under the custom in the South, and in every case there must be eviction before the custom could come into operation. Were these two identical? On the contrary, nothing could be more dissimilar. A lease for thirty-one years was to abolish the custom altogether in the South, and eviction only called it into life prior to its abolition. Was there any reason why that should be so? Was there anything in the practical operation of the custom in the two districts to suggest this difference? He had taken the opportunity of examining some of these districts in the autumn, and he would mention one or two cases. Under Lord Granard a tenant-right of a farm let at a rental of £100 a year recently sold for £800 or £900. Why would they abolish a tenant-right which was now worth £800, instead of having that custom protected or established? Unless the farm was held under a lease, notice to quit might be served by Lord

Granard's successor, and it was only after the tenant had been disturbed that he could claim compensation. In fact, on Lord Granard's estates the Ulster custom was observed in all its purity and fulness, and yet, because these estates were not situate in Ulster, the custom was to be undermined, its value destroyed, and it was to be eventually annihilated. The facts as to the custom in the Southern districts, and as to its identity in all essentials with the custom of Ulster, were well-known to the Government, for in the eleven Reports prepared by the Poor Law Commissioners they were fully set forth. He would give one other illustration as to Wexford, taken from the blue book to which he referred. The writer was describing the custom as it prevailed on Lord Portsmouth's estates, and set forth a formal statement as to the rules of the estate sent him by Lord Portsmouth. He would read part of the document—

> "Rule No. 5—To set all lands at moderate rents, and in settling such rents to have regard only to the situation and natural fertility of the soil.
>
> "Rule No. 7—To allow all tenants to dispose of the interest in their holdings by private treaty, or public auction, to approved purchasers."

Under Section 2 a thirty-one years' lease would alter all this, and abolish, if the successor of Lord Portsmouth desired to do so, this tenant-right. There was no provision that the tenant of an estate in the South should have his custom continued; yet the Solicitor General, who interpreted the Bill last night, assured the House that the custom of the South was legalized in the same manner and as securely as the custom in Ulster. And has this system injured Lord Portsmouth's property or diminished his rental? Does he feel aggrieved? Here is his own written statement to the Poor Law Commissioners—

> "The unbroken observance of forty-seven years of the above rules has had the following beneficial results:—It has inspired with confidence and energy the agricultural tenants, who have changed badly-cultivated patches of land into fine farms, now well-cultivated and well drained, on which they have erected, at considerable expense, suitable, substantial, and, in many cases, costly residences and homesteads, with all the necessary requirements for good farming. This has all been done without any outlay on the part of the landlord. Enniscorthy has been changed from a mere village of mud hovels into an important, well-built market town. All this has been done by Irish tenants on the faith of tenant-right having being accorded to them. The rental had increased more than double, and the rent was punctually paid, instead of being irregularly paid."

He (Sir John Gray) could not discover any difference between the custom in the South, as described here, and the custom of the North, as described by Mr. Steward of Ards, except that on Mr. Steward's property a lease seemed not to be considered necessary, so fixed do the people feel under the custom. So far as he could understand the intentions of the Prime Minister he believed that the right hon. Gentleman intended to put the two portions of the country in as nearly a similar manner as he could; and that if he had not believed that the present proposal would receive the sanction of the Southern representatives, he would, when persuaded not to extend the Ulster custom as a statutory tenant-right to all Ireland, have extended an equivalent provision to the whole of Ireland. He objected to the 3rd clause, which confined all the beneficial operation of the provision to tenants holding under a tenancy created after the passing of the Act.

Mr. CHICHESTER FORTESCUE explained, that the clause applied equally to the past and to the future by the operation of subsequent words in the clause.

Sir JOHN GRAY proceeded to say he was quite aware that there was another clause in Section 3, which brought a certain class of existing tenants within the operation of the Bill; but that clause was separated by nearly two pages of print from the opening line of the 3rd section, which read thus —"When the tenant of any holding held by him under a tenancy created after the passing of this Act." He, however, felt it due to the right hon. Gentlemen on the Treasury Benches to read the clause he referred to, in order that the whole scope of the section might be before the House. It would be found on page 4. The section he read was on page 2.

Mr. CHICHESTER FORTESCUE: I assure you, you are mistaken—quite wrong, indeed.

Sir JOHN GRAY: It seems to be the only clause that takes in any other tenants than the future tenants.

Mr. GLADSTONE: It is on page 4, line 22. There is some complication in the section, and its purport is not easily apprehended at once. Perhaps it could be made clearer.

SIR JOHN GRAY: That was the clause he was about to read when the right hon. Gentleman the Secretary for Ireland suggested he was in error in supposing that was the qualifying clause. He agreed with the right hon. Gentleman at the head of the Government that the whole of Section 3 was a difficult one to understand, and was very complicated. He would then read the subclause—

> "The tenant of any holding held by him under a tenancy from year to year existing at the time of the passing of this Act shall, if disturbed by the act of his immediate landlord, be entitled to compensation under this section."

That clause did admit a class, but only a class. What was meant by "immediate" landlord he would not say; but it seemed to him to imply that if a tenant be evicted by the superior landlord, and not by the middleman, he had no claim at all. Whether the number of sub-tenants be large or small, they were palpably shut out. However, that was but an incidental issue. The broad fact indicating the policy and, in so far, the principle that pervaded the whole Bill, was shown clearly in the opening line of the section—"tenancy created after the passing of this Act." "After the passing." He would ask the House to carry these words in their memories, and then look at the scale on the 3rd page of the Bill. The scale ranged from seven years as compensation for eviction from a £10 farm to two years' rent if the farm were valued at, say £101. What landlord, he asked, who had a town land valued at £120 would, after the passing of this Act, divide it into twelve farms and let it to twelve heads of families with a possible penalty of about £900 or £1,000, when he could let it as a consolidated farm to one tenant with a contingent penalty of about £250? If words had meaning the policy of that clause was, and its operation in the future would be, he would not say eviction and removal of existing tenants, but the shutting out of small tenancies hereafter. He would not call it an eviction section, because he did not believe it was so intended. He would say, however, it was a consolidation section, for no man, no matter how humane, could be expected willingly to accept a possible loss such as that graduated scale would suggest were he to create a small farming yeomanry. They had consolidation enough in Ireland already. Hundreds and thousands of acres, enriched by the labours of the small tenants, had been consolidated into great bullock farms, and the lands that gave abundant and profitable employment to human beings were now devoted to cattle. It was computed that one firm of stockmasters in Meath paid about £70,000 a year rent, and on the vast area which they used as pasturage—nearly all of it prime tillage land—they did not employ forty hands. The Bill aimed at consolidation by giving premiums for consolidating in the form of exemption, and if a landlord could consolidate sufficiently he could free himself from the Bill altogether. There were 400,000 holdings rated under £15 a year. The Bill gave a stimulant to consolidate all these—not one suggestion to break up the great pasturage tracts made fertile by the people, but now used, not for man, but for the beasts that perish. As to the phraseology of the section, he would only observe that if it was intended to take in all existing as well as all future tenants, he would prefer openly to state so, and say "the tenant of any holding," whether the tenancy was created before or after the Act passed. That would be clear and not subject to any misconception, though it could not affect the consolidation policy which was the basis of the 3rd section. He felt that, in fact, the penalties themselves would act as a mitigation of the cruelties of evictions, and, in so far, encourage depopulation by removing from its authors the public odium that now attaches to it. It was done now by some rich landlords, it would be done hereafter by many others who would be more than recouped the cost by getting adjoining tenants to pay all the cost of the removal. His hon. Friend the Member for Tralee (The O'Donoghue) assumed in a speech which was full of assumption in that and other respects, that every court would be compelled to give the full amount of compensation provided in the clause. That went down very well; it was cheered, because it was spoken with the force, and eloquence, and correctness of language which characterized all the speeches of his hon. Friend. But when his hon. and learned Friend the Solicitor General for Ireland came to explain the clause he gave it a different reading.

He was speaking to the opposite benches; but the Member for Tralee spoke to those on the Government side. Another of the assumptions of the hon. Member for Tralee was that the tenant's rent could not be capriciously increased under this Bill; but that was altogether gratuitous, for no such provision existed. The hon. Member quoted words, as from the Bill, which had no place in the Bill. He said if a man was "disturbed in his tenancy" he could at once go to the court for redress. Had he studied the Bill a little more carefully he would find that no such clause existed in it. It was when he was disturbed from his "holding," which meant evicted from the land. If the Bill did say "disturbed in his tenancy," which it did not, it would carry the whole tenancy and all its parts, rent, land, tenure, all; but the words of the clause carried only disturbance from the land, and the rent might be doubled under the Act as it now stood. In fact, the word "tenancy" did not anywhere in the Act occur in the connection quoted, and he would presume to suggest that when a clause be quoted again it be quoted as it was, and not as it was not. The Solicitor General for Ireland said the amount of compensation would only average a year or half-a-year.

The SOLICITOR GENERAL FOR IRELAND (Mr. Dowse): I never used the word "average," nor have I seen the word in any report of my speech except one contained in a Dublin paper. What I did say was that the Judge could give any compensation from half-a-year or a year up to the maximum.

The O'DONOGHUE: I beg to say also that the hon. Member (Sir John Gray) has misrepresented me too. What I said was, that the court would give the maximum of compensation unless it was shown that the tenant had done something to deteriorate the land.

Sir JOHN GRAY: Exactly so. The hon. Member for Tralee said if there were nothing to stop the action of the clause the Judge would give the full seven years' compensation. That was the assumption—no doubt a very strong assumption — of his hon. Friend. But when his hon. and learned Friend the Solicitor General for Ireland came to explain the operations of the scale he said that in the ordinary run of cases the compensation would be only one year's rent or half-a-year's rent, while in some cases it might be the maximum.

The SOLICITOR GENERAL FOR IRELAND (Mr. Dowse): I rise to Order, Sir. I never said anything of the kind. I said that in some cases it might be one, two, or three years for the occupation less, but in others it might be only half a year.

Sir JOHN GRAY did not wish to misrepresent his hon. and learned Friend who was lately a member of the tenant-right party, and he was sure he (the Solicitor General for Ireland) would be the last man to agree to a clause under which the court could give only the amount of half-a-year's rent by way of compensation to the tenant. Yet he admits he did speak of half-a-year's rent as a possible compensation. What he (Sir John Gray) wished to call the attention of hon. Members to was that, while one advocate of the Bill assumed that the Judge must give seven years, the other, with equal force, appealing to the Conservative Benches, argued that it might be only one half-year's rent as compensation. The two classes of claims for compensation recognized by the Bill — loss of occupancy and payment for improvements — ought not to have been mixed up in one clause. The scale of compensation allowed for both together would not in many cases cover the cost of drainage; but in that scale all drainage, all manuring, all fencing, all tillage, all farm-roads, were included with occupancy right, and the maximum sum for all could not exceed the limit. He could not quite comprehend the 23rd clause; but as he understood it, this clause gave to a certain class of landlords the power of borrowing from the Treasury money for the purpose of what he thought was a consolidation contemplated by the Bill. A landlord giving a thirty-one years' lease of a £50 holding, and undertaking to erect farm buildings and execute certain other works, was exempted from the operation of the compensation clauses for all future improvements, and in order to be in a position to settle with the tenant of the new take, he was authorized, as he commenced to borrow money from the public Treasury, to pay compensation for the past. This offered a premium to landlords to consolidate farms. Its tendency would be to induce landlords to consolidate, say five holdings of £10 each into one £50 holding. He understood his right hon. Friend the Chief Secretary to say that at a conference of tenant-right farmers held at Belfast, so far as there was an expression of opinion on the subject, they declared themselves satisfied with the Bill. He had seen in *The Times* resolutions adopted at that conference, and he thought they scarcely bore out the view of his right hon. Friend. Those resolutions declared that, in the opinion of the meeting, this Bill was an earnest and honest attempt to legislate on the land question. He concurred with the conference in thinking it was an earnest and honest attempt; but there was more than honesty required from a statesman who aimed to grapple with a great crisis. The attempt was honest—the measure was large. He would not disparage the framers of the measure; but it was not equal to the emergency—it would not satisfy the people, and would not, therefore, accomplish the all-important end of stamping out discontent. The Belfast resolutions went on to state that the Bill, as it stood, was so defective in the clause relating to the Ulster tenant-right custom, that it would destroy that custom. They further laid down the necessity of defining what was meant by the Ulster tenant-right custom, and asserted that the principle of that custom, as affirmed by the meeting, was applicable to the other Provinces of Ireland. Was not that a condemnation of the Bill? The conference declared the Bill to be defective in not discriminating between the rules on estates and the general principle of Ulster tenant-right, and it condemned the Bill because it did not define the Ulster custom. The hon. Member for Cork (Mr. Maguire) delivered a very long and very able speech in support of the Bill; but it had one characteristic—that which he would venture to say diminished its cogency as an argument for the measure. His hon. Friend did not discuss the principle of the Bill, or any part of the Bill, or of any one single clause in the Bill; yet he exhorted those who heard him to vote blindly for it, assuring them that the Solicitor General for Ireland would show them that it was the very Bill that would best suit Ireland. That assurance he was not ready to accept. The hon. Gentleman in that speech, to which he had listened with great attention, had, in support of his argument in favour of the principles of this Bill, cited the case of a noble Lord (Lord Dufferin), who had bought up the tenant-rights on his estate for £10,000. It appeared that that noble Lord had laid out £35,000 upon the property; but the tenants had to pay 5 per cent for every £100 so expended. With that arrangement, however, he had no fault to find, neither did he regard the sum so demanded as in any degree exorbitant. The leases under which the tenants held, however, contained some remarkable clauses; and, as the House would see by one he held in his hand, they were of a size to gratify the eyes of any attorney's clerk. He hoped that the courts that were to have jurisdiction under this Bill would not adopt them as models to be followed. For instance, even the very sea-weed, the waste thrown up by the waves, was reserved under those clauses as the property of the landlord, who was also to have the right to take back any portion of the land he might require for planting or other purposes whenever he thought fit to do so — in fact, he was really to be the master of the land. The hon. Member for Tralee had said, in his speech, that "the nation generally would come to regard the gambols of excited patriots merely as so many dangerous eccentricities." The hon. Member did not give the House the benefit of placing before them a specimen of the sayings of the "gamboling" patriots. But there was a meeting, which the hon. Member would, perhaps, call a "gamboling" meeting, recently held in Dublin, but which he (Sir John Gray) would call the most important national conference ever held in Ireland. At that meeting, after a resolution was passed declaring—

> "That no measure will satisfy the Irish people which does not put an end at once and for ever to arbitrary eviction and permanently fix the Irish tenant in the Irish soil,"

an hon. Member of this House thus "gamboled" before his audience. He proposed the following resolution:—

> "That the measure should recognize the tenant's rights of the property in the continuous occupancy, so secured to him with all the improvements on the farm, whether made, purchased, or inherited; and that his assignment should be binding on the landlord on payment of all arrears of rent that may be due by him."

And afterwards said—

"According to these patriots—for patriots they pretend to be—for the Legislature to decree that a landlord is entitled to no more than the fair value of his land would be barefaced robbery, while for the Legislature to enact that as long as a fair rent is paid no man shall be turned adrift on the world, would be to violate the most sacred rights of property, by depriving the landlord of his most cherished prerogative. I believe that the promulgators of these doctrines and their supporters and abettors stand between their country and happiness—between the people of these kingdoms and enduring friendship—between the Empire and union. If the land question suffers in the House of Commons it will not be from being an Irish question, but from the Irish Members having failed in their duty. We ought to be able to say the majority of the Irish Members advocate such a cause."

This, Sir, was the "gamboling" of my hon. Friend the Member for Tralee. Another hon. Member—the Member for New Ross (Mr. M'Mahon)—moved a resolution, saying—

"That no measure will be satisfactory to the Irish people which will not recognize a continuous right to occupancy, subject only to eviction for non-payment of rent or subletting without the consent of the landlord."

And he delivered a most able and most effective speech. Were these the "gambols" of excited patriots? Before he left this branch of the subject he should protest against the unjust attempt of his hon. and learned Friend the Solicitor General for Ireland to prejudice the mind of the House against the policy and principles of those who had, from time to time, spoken of the necessity of so rooting the people in the soil that they could not be swept off as vermin at the caprice of any man. It was not right to misrepresent men like Lord Granard, Lord Bellew, and others who, anxious to check depopulation and extermination, adopted the counter phrase of rooting the people in their own land by saying, as the Solicitor General did, that the provisions made in the Bill would enable the landlords to get the price of their land, and add with a sneer, that this was a thing not contemplated by some of those who aimed at rooting the people in the soil. With the permission of the House he would read an extract from the requisition which assembled the "gamboling" patriots of the hon. Member for Tralee at the Mansion House, Dublin, in national conference during the last month, at which the resolutions were adopted and the speeches made which he had read. After the usual formal sentences, the requisition proceeds to

"Request a meeting of the landed gentry, clergy, Members of both Houses of Parliament, and municipal and Poor Law representatives of Ireland on an early day at the Mansion House, Dublin, to confer as to the most effectual means of rooting the Irish race in the Irish soil by securing the property of the tenant-farmers from being absorbed by unfairly increased rents, and by protecting their right of continuous occupancy from capricious violation without infringing on any of the just rights or legitimate influences incident to the enjoyment of landed property."

He did not expect the policy expounded in that document to receive much favour from Ministers, though the principle must be embodied in the Bill. But it was not open to the suggestion that it aimed at getting the land without paying the owner. So at least thought some men not long since, and so think others still. Amongst the 500 names attached to that requisition are those of Lord Granard, Lord Portsmouth, Lord Bellew, Lord Greville, some sixty deputy lieutenants and magistrates, and nearly every mayor in Ireland. There is one name, however, of special significance—it is that of Richard Dowse, M.P. for Londonderry. He (Sir John Gray) would not venture to say whether or not the House recognized the tenant-right Member for Londonderry—to adopt a phrase imported by himself into the debate when alluding to the gallant Member for Tipperary—under his new *alias* of Solicitor General for Ireland and denouncer of the principles subscribed to by the hand of the hon. Member for Londonderry. He had trespassed longer on the indulgence of the House than he ought. He had strongly objected to the Bill—he intended to protest against it as a final settlement in the only way in which he could do so, by voting against the second reading. But while he did so, he would be sorry to be unjust to the Minister. The Bill was said to be an honest Bill. He (Sir John Gray) frankly admitted it was an honest Bill—he believed it was framed with an honest, earnest, and hearty desire to settle the Irish question once and for ever according to the lights and knowledge of those who framed it. But he wanted, the House wanted, the Irish people, the whole Empire wanted, not only an honest but an effective Bill—effective for the two great ends of the contemplated legislation, doing full justice to the tenantry, and so stamping out discontent and disaffection, as to give peace and security to all. The Bill would not do that. It would fail to secure the great end aimed at—the settlement of the Irish land question. He did not depreciate the Bill. As compared with former Bills it was a great, a solid, he would even add, a generous and a noble advance. But the instincts of the people should be considered as well as the financial details in a full settlement. The Irish tenant did not require a Bill of Pains and Penalties against their landlords. They asked a Bill of Rights for themselves. They wanted to seize no man's property—to appropriate no man's lands. The question in issue as between the supporters of the Bill and those who protested against its present insufficiency was—are the people of Ireland to be rooted in or rooted out of the land on which Providence placed them, and in which Providence intended them to live, to prosper, and be happy? He denied the right of any man to say to another—You must leave this land—go! The Bill must, to be satisfactory, elect between the two policies—root in or root out of the soil—and by the policy chosen will it be tested. He knew the Premier would not favour the latter. He knew he was trammelled—he should rather say he believed he intended to do the best. [*Ironical cheers.*] He had no right to use the word "knew" with respect to the Minister's intentions, as that might seem to be assuming that he had some direct knowledge—he did believe, however, judging from his conduct, that he felt either coerced or persuaded to take the course he did, and he, at least, frankly admitted that he was in some degree justified in doing so. The great majority of the Irish Liberal Members supported a policy adverse to that supported by the Irish people, and advocated by many of themselves in Ireland, and the Minister was, in a sense, bound by the opinions and advice of those who were the constitutional representatives of the people. If the Bill fell short the Minister could refer for his justification to those whose advice he followed. The Bill would, no doubt, be carried; but he hoped, at least, not unchanged. One word about the alleged desire to interfere with the rights of property. He spoke with confidence as to the popular feeling on that topic. He met the people of many counties, the leading men of nearly every county in Ireland, during the past autumn. With all he found one sentiment—the sacredness of private property is felt to be the basis of society. Any attempt to disturb its security would prove more destructive to the industrious man than to the great landed proprietors. To content the one so as to prevent the abuse of property was a duty—to disturb its foundations was a crime, and the greatest crime that could befal the tenant-farmer would be the allowing the rot of Communism to enter into their social affairs, for it would rapidly sap the foundations of their hopes. A full rent, more than a full rent, they were ready to pay; but in return they demand, and sooner or later that demand must be conceded, that they be so fixed, so rooted in their own land, that no man shall have the power to drive them into exile. He was no factious opponent of the Bill. He did not seek to embarrass the Government; he wanted to save them from the embarrassment and failure which bad advisers would entail on them. On such a question they could not afford to fail; and those who told the truth to the Minister and to the Parliament, and warned them that the great end they all sought would not be accomplished by the Bill, were the truest friends of order and of progress. Instead of being assailed as agitators, the men who then frankly told the bitter truth ought to be valued as the best friends of peace; they counselled the people to look to that House for redress—to have confidence in its desire and in its power to remove injustice, and he hoped they would not be disappointed. There were those who watched their proceedings that night anxiously hoping that an abortive measure which would disappoint the people and destroy their hopes from Parliament would be passed into law, in order that a clear path would be opened for their revolutionary designs. Against these men he had ever struggled, and ever would. He warned the Ministers not to strengthen the hands of that party, and implored them to give such a bold measure of redress as would enable all who loved social order to proclaim that full justice had been done. The Imperial policy on which this Bill was based was of the last importance. Great advances were made—great sacrifices of feeling were submitted to in order to settle this question; and he implored Ministers, who were doing so much, not to stop short of a perfect and final measure—a measure that would stamp out revolution and bring a generous and long-suffering, but spirited and noble race, into harmony with the law, because it had become their friend, and with the Constitution, the Empire, and the Throne, because they combined to save them from extermination.

MR. MONSELL said, he had rarely heard a speech that gave him greater pain than that which had just been delivered by his hon. Friend, who had done all he could to prevent the people of Ireland from appreciating the feeling which pervaded both sides of the House, of an anxious desire to do them justice. He had, together with a few hon. Gentlemen who acted with him, done all he could to induce the people of Ireland to undervalue the greatest boon that had ever been offered to them, and he wished to impress upon his hon. Friend the tremendous responsibility which he had thus incurred. The majority of the English and Scotch Members had agreed to postpone measures most interesting to them for the purpose of directing their time and attention to the consideration of a question which they believed to affect deeply the interests of Ireland, and he knew of no better way of answering the speech of his hon. Friend, which was full of unintentional misrepresentations, than by submitting the Bill to two simple tests. He would, in the first place, compare it with the proposition made by a body that was supposed to completely represent the whole tenantry of Ireland, and which was introduced by Mr. Serjeant Shee—afterwards Judge Shee—in the shape of a Bill which received the sanction of the whole of the Irish tenant-farmers, North and South. The hon. Member complained that this Bill did not extend to Ireland the tenant-right of Ulster.

SIR JOHN GRAY explained that he had said there were difficulties in the way of extending the Ulster custom throughout Ireland; but that if these difficulties could not be overcome, some arrangement should be made corresponding in principle with the Ulster custom.

MR. MONSELL said, this was precisely what the Bill attempted to do. In so far as it did not do so perfectly his hon. Friend might suggest Amendments in Committee; but it recognized the fundamental principle of Ulster tenant-right compensation, quite apart from improvements, for disturbance of occupation; and his hon. and learned Friend the Solicitor General had shown that tenants-at-will had a legal right to sell their interests. But, leaving this for the moment, he said his object was to show that this Bill, upon which his hon. Friend had heaped every sort of vituperation, was far more liberal in its provisions, and would confer far greater benefit on the tenants, than the Bill put forward by their chosen representatives. That Bill separated Ulster from the rest of the country, and provided that improvements should be considered as having been made by the tenant, unless the landlord could prove to the contrary, and that compensation was never to be paid unless it was shown the land had increased in value; but this Bill attached a value to occupancy pure and simple. His hon. Friend objected to the provisions for giving tenants leases for thirty-one years; but Mr. Serjeant Shee's Bill gave compensation leases for only fourteen years; and, certainly, up to the last year no one in Ireland, passing a panegyric on a landlord, would have failed to bring in as a climax the fact that he gave thirty-one years' leases at fair rates. The highest ambition of the Irish tenants was to rise to the level of the English or Scotch tenants; but the latter would think the House was conferring a very great benefit upon them if it gave them leases for thirty-one years at fair rents. Again, his hon. Friend had referred to some remarks made by the Solicitor General for Ireland; but it was apparent that those remarks were misunderstood. The hon. and learned Gentleman was referring to compensation; but what he said was, that in the case of a bad and ill-conducted tenant half-a-year's rent only might be awarded in case of eviction. It was, unfortunately, true that many of the Irish people were willing to believe that, whatever the House of Commons might do, it was actuated by a bad motive; but this was the penalty we must pay for the evil years of unjust legislation. There could be no doubt that the long delay of Parliament in remedying the evil which it admitted to exist in the relations between landlord and tenant in Ireland had produced distrust in the minds of the people; and it was the duty of his hon. Friend the Member for

Kilkenny to tell them that, although the present measure might not give them all they desired, yet it did confer upon them a substantial benefit, and was a proof of the real earnestness of the House in endeavouring to carry out a new policy towards Ireland, and to blot out the past. What were the principal grievances of the Irish tenants? His hon. Friend himself had stated that in the large majority of cases they consisted in the tenant being subject to eviction at the landlord's will, in his rent being raised by the landlord, and in his receiving no compensation for permanent improvements. The worst mode in which that system operated was shown in those frightful clearances which, especially in former years, had been the disgrace of the country. Now, he put it to the House whether these clearances could have been made if the 3rd clause of the present measure, which had been so much run down by the hon. Member for Kilkenny, had been in force? While admitting that his hon. Friend was correct in stating that the Bill contained no such words as "security of tenure" he maintained that it provided for security of tenure in substance, for it enacted that a heavy penalty should be paid by the man who violated the law of security of tenure by evicting his tenant. His hon. Friend had pointed out that in a case like that referred to by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), of a bad tenant who had misconducted himself being turned out, the court would not award him more than half-a-year's purchase by way of compensation. This might be so; but he was sure that in the case of a wanton eviction no Judge in Ireland would hesitate to impose the highest penalty on the landlord, and make him pay seven years' purchase. Again, who could doubt that if this Bill had been in force many agrarian outrages would have been prevented? To show the effect of those outrages in increasing local taxation, he might mention that in the North Riding of Tipperary the land under crop in 1867 amounted to 130,000 acres, including meadow land; while the cost of police and soldiers to keep the peace in that county, as compared with Londonderry, amounted to £72,567 a year, or nearly 11*s.* per acre of the land under crop. He maintained that the effect of the Bill, in every case he had examined, would have been to have placed an obstacle in the way of the landlord evicting, and thus, in all probability, have prevented the outrage. As an instance, he might refer to a recent eviction in the county of Meath. Thirteen tenants were turned out. One of them was able to produce a promise of continued tenancy, upon which he brought an action and recovered £300 damages. The other twelve could not recover, and did not receive a half-penny. But under this Bill, had it been the law of the land, they might have been entitled, in respect of their 420 acres, to a sum of £5,100, besides compensation for buildings and improvements. How, then, could his hon. Friend the Member for Kilkenny say that the Bill gave no security against eviction? It was to him a subject of the deepest regret that his hon. Friend should get up and misrepresent a Bill of this kind, and convey to the minds of the people of Ireland, whom the Government were endeavouring to serve, that it would be useless, and produce no beneficial result. He could state, on the authority of an eminent barrister, that for wanton eviction the very highest penalty in the Bill would be inflicted. If that were the case—if the Bill did give practically security of tenure — was it not a melancholy thing that they should not all join together in passing it through the House? He ventured to say that the course which his hon. Friend, and those who acted with him, were pursuing, was fraught with danger to the peace of the country. The feeling on this subject, in England and Scotland, was neither enthusiastic, excited, nor sentimental, but was one founded on a sense of duty. Still, if these countries found that the favours they offered were coldly put aside, it was quite possible that they might stop in their course of projected improvement. In that case, Ireland might go back to those evil days when England cared little for the interests of Ireland, but satisfied her conscience by the belief that Irish grievances were irremediable. If his right hon. Friend the Premier were driven, by the rejection of his offers, to cease taking an interest in Irish affairs, he should like to ask the hon. Member for Kilkenny whether that would redound to the benefit of the country? The only result to be obtained by succeeding in the division into which the hon. Gentleman seemed desirous of forcing the House would be to postpone a great act of justice to Ireland; and he therefore begged his hon. Friend not to divide the House upon the question, but to go into Committee, suggest what alterations he desired to see made in the Bill, put what Amendments he liked upon the Paper, and allow the second reading to pass unanimously. If he did otherwise he would, however unintentionally, play the game and forward the purposes of those whose object it was to blind the Irish people to the desire to do justice to them which pervaded now the mind of England—he would assist in preserving the separation of hearts which every true lover of Ireland must desire to unite.

Mr. GATHORNE HARDY: I am sorry that I shall have to occupy the House, even for the time I must necessarily take, at so late a period of the debate; but I have been anxious to say a few words on this question, and perhaps it is one upon which English Members may well express an opinion. But there have been some things said, with respect to what has taken place on this side of this House, that it is necessary that I should refer to. I quite agree with my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) in many of the remarks which I heard him make this evening in that portion of his speech which I was fortunate enough to hear. I agree with him as to the statement of the right hon. Member for Liskeard (Mr. Horsman), when that right hon. Gentleman said that we on this side of the House had not sufficiently contemplated the grounds on which this Bill was based. The right hon. Gentleman seemed to think that we had not looked at the serious matters in question, and I believe he also took the view that it was on account of the special circumstances of the case that he was enabled to give his assent to certain things in the Bill to which otherwise he should not have assented. But the right hon. Gentleman was, I believe, entirely mistaken as to what has been said on this side of the House. With respect to myself, Sir, when I first considered this question when it was brought forward in former years, it was necessary to turn one's attention to the writings of those who were conversant with Ireland, and to the conversation of those gentlemen who had had experience of that country; and I may say that in some little degree I was unfortunate enough to have a certain amount of experience myself, for I had a small estate given to me in the West of Ireland—an estate which I never saw, and which was in a miserable condition. I had possession of it for several years, and during that time I evicted no tenants, nor did I ever increase their rents; but, on the other hand, I found that I had to make all the improvements, and when they were made I was told that the place was not any the better for them. When I parted with that valuable possession, I did not make any profit out of it, but I thought that it was not desirable to retain what I could not have a thorough personal knowledge of; but my attention was called to the nature of the tenancies in some part of Ireland, and I was not encouraged to become a purchaser of land there. I had several tenants who paid me no more than 30*s*. a year each, and my highest tenant only paid me £12, and I saw at once that I was dealing with a number of persons whom I could not treat in the way in which we should treat English tenants in this country, and who, indeed, were not in a condition to bear it. I found a large arrear of rent, for the custom of the place had been to be two years behind with it, but I struck off a considerable arrear of rent in order to enable the tenants to start fair, and I told them they had better pay regularly for the future. I endeavoured, in short, to bring them into the fair English practice, but it was not with any very great effect. These things come from all who are acquainted with the special circumstances of Ireland, and perhaps I may be permitted, as a forcible way of putting the matter, to say that after we have waded through a great deal of this information, and obtained all the knowledge we can from those who are more conversant with the matter than ourselves the result is what is described and believed by Mr. Hamilton to be the feeling of the English people upon it. He says—

> "The people, in ploughing through the subject, seem to have cast aside a great deal of what is useless, and to have at last laid bare a very simple, and, I will say, just idea — namely, that from a variety of causes, attendant upon unwilling or helpless owners and defective land laws, tenants have been allowed gradually to acquire an equi-

table right of property in certain things now mixed up with that of the landlord, and that something must be done to disentangle the conflicting interests, so as to leave every man his due—*i.e.*, each his own. This would be justice to the tenant. More would be injustice to the landlord."

Now, I am not at all unwilling to take that as a reasonable and fair view with which to start. But I am bound to say that I think there has been a little too much stress, not laid so much by the Government as by others on exceptional cases and that as a general rule, the landlords have been unjustly assailed. That is proved by almost every book written upon the subject. I find that a Scotch gentleman, who was in 1858 very conversant with the working of the Encumbered Estates Act, and who had the best opportunities of forming an opinion on the point, writes, in reference to the agricultural and social state of Ireland, as follows:—

> "No class of society has been more unjustly maligned than the Irish landlords for their treatment of their tenantry; but the truth is that as a body they have treated them with the greatest kindness and forbearance, and have often submitted to claims which it would never enter into the minds of British tenants to make, and which, if made, would have been indignantly spurned by English and Scotch landlords."

With regard to evictions, I have looked through the lists of recent years and I have found that, with the exception of those who have been evicted for non-payment of rent, they are not proportionately numerous at all; and with regard to emigration, which it has been argued is founded on eviction, I found that only 5 per cent of emigrants had been evicted. It is clear, therefore, that you cannot lay such a stress on the question of eviction or the cruelty of the landlord, but that it has been other causes—such as the spread of education and the knowledge that those who emigrated might improve their condition—which has led them to emigrate in such numbers. And when English laws are abused for what has occurred in Ireland, I confess I think it somewhat hard that England should have to bear so great an amount of blame, seeing that she has done so much. The right hon. Gentleman to whom I owe so much instruction, and whose instruction I have always looked upon with respect—the Chancellor of the Exchequer—told us in 1868 that certain events which then took place had made a great difference in his opinion, but even in that revolutionary state of change, this was his political idea—for it was made after the great revolution had taken place—and unless he gives us good reason to believe the contrary, we may accept the statement which he then made as the one to which he now adheres. I should like to hear him give some good reasons why, if indeed, he has deserted the strong opinions he formerly expressed. He said, in 1868—

> "It is the misfortune of Ireland that having, like other countries, differences of opinion among its inhabitants and relations of superiority and inferiority, such as must always exist in every community, the national mind seems incapable of accepting them as they are accepted in other countries, but somehow or other contrives to engraft on them contention, division, and hatred. We have landlords and tenants in England as they exist elsewhere, but we can contrive to carry on our business without mutual quarrels. . . . . . As to the ill-treatment Ireland receives from England, I protest against such language. . . . . I feel, as an Englishman, impatient under the weight of the misrepresentation and calumny to which this country is subjected. . . . . . I have sat on several Committees of this House to investigate this question of the land in Ireland, and it never has been my fate to hear a single case of grievance or ill-treatment of a tenant alleged with dates and circumstances so that it could be verified. . . . . . Our Committees were entirely unsuccessful in discovering any case of real grievance. . . . . . It is ridiculous to inveigh against a law which is the same in Ireland as in England; and whatever may be the difference between the two countries, it is impossible that there can be any fundamental injustice in a law which works with entire satisfaction in a country like this."—[3 *Hansard*, cxc. 1483.]

Such were the words which were used by the Chancellor of the Exchequer in 1868. You must not be surprised, therefore, if those who listened to those words of wisdom should not at once have come to the conclusion that the Prime Minister was right when he told us that the legislation of England for the last eighty or ninety years was founded on misconception, that it was injurious to Ireland, and that it never met the wants of the whole community. Here you have one of his Colleagues in a very high position in the Government telling us that, so far from that being the case, he has come to a wholly opposite conclusion. Now, Sir, I do not mean to say—or I would not speak as I do, seeing that I am prepared to vote for the second reading of this Bill—I do not mean to say that there is not some grievance involved in this matter; I believe there is a real grievance, because I conceive that there has been virtually a covenant between the landlord and tenant in many parts, which has resulted by degrees almost in what is called in the Bill a "custom"—though the word "custom" should not have been used there as a legal term, because if it had been a legal custom it would have been recognized as such by the Irish law courts, which it never has been. With great humility, I venture to express a difference of opinion with the hon. and learned Gentleman the Solicitor General for Ireland, even on a point of law. I have looked at the law as between landlord and tenant in Ireland, and I have examined what I believe is a high authority upon the subject—the book of Mr. Latouche. I will not quote from the book—here is the volume if the hon. and learned Gentleman wishes to see it—but I find it is here stated that the law with respect to custom in Ireland is precisely the same as the law with respect to custom in England; that in the Irish courts customs are enforced just as in the English courts; but in Ireland, as in England, the same law prevails that where a usage is confined to an estate or a limited holding it is not recognized as a custom at all, but a different principle applies, and if enforced or capable of enforcement, it is as a covenant between the two parties. The Solicitor General for Ireland quoted the case of "O'Fay *v.* Burke." That was a very remarkable case no doubt; but it was decided not upon Irish law, but upon English law—it was decided upon the judgment of Lord Mansfield, and upon the dicta of Lord Eldon and Sir William Grant, and if a tenant-at-will chooses to put up buildings which he knows do not belong to him, he runs the same risk in either country. I do a little complain of the hon. and learned Gentleman for not having, when he told us what the excellent Master of the Rolls said, read the sentence which preceded that which he did read to the House, because it appears that this very case was considered in the courts as a case of so entirely exceptional a character as not to rule in any other case. It was laid down by the Master of the Rolls as such, for he said—

> "I think it probable that this case will be brought forward in the next Session of Parliament as affording an argument in favour of a Tenant's Land Bill for Ireland, and if this was not an exceptional case it would, I have no doubt, lead to legislation on the subject."

The proof that it is an exceptional case is that since 1858, in none of the courts of Ireland or elsewhere has there been any case at all resembling it. What really comes of the matter is this—Though it may be true that there are unjust evictions, it is also true that the landlords have generally acted in harmony with their tenants; and I do not agree with the hon. Member for Kilkenny (Sir John Gray) relying on what was said by the right hon. Gentleman at the head of the Government, that notices to quit have fallen like snow-flakes over the country. The right hon. Gentleman, indeed, corrected that himself, by saying that he referred to some particular estates. If, however, these things have happened, they have begun to cease. Judge Longfield refers to the improvement that has taken place in the condition of the tenants, that things had begun to go on smoothly, and they would have continued so to go on but for those people who make a trade of agitation, and will not allow the people to live on the best possible terms with their landlords, but stir up in their minds suspicion of grievances that do not really exist. But I admit that this does exist; that in consequence of these exceptional cases people feel a sort of uncertainty, and it is for this reason that one portion of the people look to the Ulster tenant-right. I am, for myself, bound to say, looking at it from the outside, that I am not much enamoured of it. I do not think that it is a mode of conducting business that is likely to be beneficial to the parties interested or to cause improvement in agriculture, or to do the thing that is best for the country at large. I believe that the Ulster custom does not prevent evictions, for in Ulster there are more evictions in proportion than in any other part of the country. I find, too, that there are many other defects in the system. The Solicitor General for Ireland mentioned one—that there are nine definitions of the custom in different parts of the country; and, therefore, there is this great objection, that it is a sort of custom that causes perpetual jealousy between different parts of the country, and raises a sort of competition among tenants to get the highest price allowed under any view of it. When I hear of things like this—that a man has given forty-three and a-half years' purchase to get permission to farm property that would sell for only about twenty-one years' purchase—it seems such an extraordinary proceeding that I cannot imagine how such a system can go on. You must not look at the matter simply when things go on smoothly and when all is fair sailing. Look what you are going to put upon the landlord. Several tenants came to me and asked me to assist in reference to some parts of this Bill, and I heard their case, and a very interesting case it was; but when I asked if the landlord ever recognized this right, they said—"It goes through his office, but he is never himself a party to the transaction." It is always done between the incoming and the outgoing tenant. But suppose there should come a time of great agricultural distress, suppose there is a famine or a great fall in the value of agricultural produce, and a number of tenants wish to throw up their properties, and tenants are not found to come into them. This being so, is the landlord to pay forty-three and a-half years' purchase for the land which he already possesses, or, even what many of the tenants have paid, £20 an Irish acre for going into the farm? What, under the Bill, will be the position of a landlord who in time of great distress among his tenants may have his land thrown on his hands with these enormous demands made upon him by his tenants—demands which will compel him to borrow from the State or mortgage his property to private persons? ["No, no!"] I am astonished to hear that I am speaking in a manner not warranted by the Bill. As I understand it, the Bill will enact that tenant-right shall be a legal custom—that is to say, if a tenant in possession proves such a payment, he must have a similar payment when he goes out. Will that be binding upon the landlord, and if the landlord, in default of the outgoing tenant finding a successor to pay, has to take back the farm into his own hands, will he be bound to pay to the tenant that which the tenant has paid to his predecessor. ["No!"] The Judge Advocate says "No." Then, where is the justice to the tenant? Then I understand that the Government assent to another interpretation, which is this—that unless the outgoing tenant can find another tenant that will give the price that he paid upon going in the landlord is not bound to give it to his tenant. In every instance of this Ulster custom the transaction is accomplished through the agency of the landlord, and I should have supposed that by legalizing this custom you were binding the landlord as well as the tenant. ["No, no!"] At all events, I throw this point out for consideration. It will be discussed when we are in Committee; but I thought it my duty to call attention to it now. But if the interpretation is, that it applies only to usage between incoming and outgoing tenants, you must apply the same rule to the usage in the next clause, and the usage under that will be, that the incoming tenant has to pay to the outgoing tenant, and that the landlord has not to do so; but then if the tenant cannot find another tenant that the landlord would take, what is his position? I do not think that you could carry out your Bill upon such a principle as that, for you would give to the landlord the power of always placing a veto against the incoming tenant, and if he should exercise that right he could refuse to receive a new tenant, and so force the land back upon himself. [An hon. MEMBER: He must exercise his power reasonably.] Well, I do not wish, particularly at this hour, to detain the House with details. I therefore pass from these cases; but it has always struck me that the difficulties in the way of legalizing the custom would be very considerable. It was objected to the argument of my right hon. and learned Friend (Dr. Ball) that he was inconsistent in accepting the Bill as far as it applied to the present, and yet wishing for a different state of things in the future. But surely you may find customs and virtual covenants at present existing which may lead you to recognize them as inevitable, and yet, if the system be a bad one, you may at the same time be anxious that a better system should be adopted for the future. Lord Dufferin, I believe, has purchased out the tenants' rights on his estate. Suppose it were now proposed to make loans under the Bill for the same purpose. Surely, it would not be unreasonable to argue that steps should be taken in that way to get rid of a tenure which we think a bad one. I was very much struck upon reading the work of Mr. Thompson upon this subject. He has investigated it thoroughly. He has been twice to Ireland, and has looked into the matter, and he is a man who is thoroughly acquainted with agriculture. What does he say about legalizing this custom in perpetuity? He says that it "would be as reasonable as to pad lock the go-cart round the neck of a grown man and thus perpetuate the memory of his feebleness, and permanently impede his future power of locomotion." My right hon. and learned Friend (Dr. Ball) said—"Do not tie us down to such a system; give us some freedom—some hope of extricating ourselves from this embarrassment. Let us look to the future, and let us not be treated for ever as children incapable of managing our own affairs." Agreeing with him, I am willing to give effect to and fulfil the obligations of the present; but as to the future, surely we may be able to devise some better system. Let the landlords of Ireland fulfil in every way what was a virtual agreement between the parties, and separate this tangled mass in which the interests of landlord and tenant are so mixed up that it may be necessary to invoke the intervention of a third person, but let this be for the past and not the future. And now I come to the 3rd clause. I want, first of all, to call attention to the mode in which the conflict between landlord and tenant is to be treated. We are told that we are to find a tribunal ready to our hand in the Civil Bill Courts, and that we are to have an appeal to the Judges of Assize. The Solicitor General for Ireland was extremely eloquent upon the excellence of these courts, and when he came to describe the excellence of the Judges of Appeal he said that you would have one hard one and one soft one, and by combining the two together you would arrive at the result of having one of average fairness. But this may not always happen; for one may be too soft or one too hard and the result by no means one of average fairness. I look into the Bill therefore to find a guidance for those who are to administer what is called the law, and there is no law laid down for them. You may refer to that which is called the equities, Clause 14, by which it is enacted that a variety of circumstances are to be taken into consideration upon the trial. But these do not affect the law but the facts, and when you say that there would not be litigation arising out of the proceedings in the Civil Bill Courts, I find it impossible to agree with you. I have made out some twenty or thirty points in the clauses which afford most difficult questions between landlords and tenants. The Judge will be called upon to solve these questions, and will have to decide pretty much as a Turkish Cadi has to decide. With all respect for barristers of five years' standing — I had a very excellent opinion of them when I was of five years' standing myself — I must think that they have not learned more about the facts of cases of this kind than most other people; and when they sit upon these cases, they will have neither precedent nor principle to guide them; and there will be nothing laid down in one case that will guide them in any other. If, therefore, you go into all the counties in Ireland, with these hard men and soft men and men of medium quality, and there are great numbers of these Judges, you will have, upon the same state of facts, decisions which are wholly contradictory. The principle in one case will afford neither precedent nor guidance in another. I do not want you to define customs which cannot be defined; but I should be glad if you could see your way to laying down a general principle on which the barristers are to proceed, in order that there may be some uniformity in their decisions, and some hope of their coming generally to reasonable conclusions. On the questions of law those courts are, I will presume, excellent, and on questions of law and equity, in the technical sense, I am in favour of going to tribunals that are fitted to administer them on fixed principles. But when you come to a lawyer and valuator — that may form a very good arbitration tribunal, but do not speak of it as if you were going to law. It is going simply before persons who have the power to decide upon the facts of the case without regard to legal rules. And, as I have said, it is like the justice that was administered by a Sultan or a Cadi, without reference to law at all. The fact is, the House of Commons, in its puzzle and difficulty—and the difficulty is a great one—is to delegate its legislative powers to other persons; it is an expedient resorted to upon a matter upon which it seems the House can come to no conclusion; and, perhaps, it is better than nothing; but I do hope, if it is possible, that some guidance may be given to those gentlemen by which they may arrive at uniform conclusions. It has been suggested—and I think there is a good deal of force in the suggestion—that two or three of those assistant barristers might sit together, and go a sort of circuit together. If I were an assistant barrister in some parts of Ireland, and especially if resident, I am not sure that I should like to have the decision of these questions. The right hon. Gentleman the Member for Liskeard (Mr. Horsman) talked of legislating to take from the landlords that which otherwise would be taken from them by the pistol, and I thought that the strangest argument I ever heard addressed to an Assembly fond of law and order. With regard to the speech of the hon. and learned Gentleman opposite (the Solicitor General for Ireland), of course I listened to it, as the House generally does, with much amusement; but he must not expect us, who are not Solicitors General, to say *credo* after him. I never heard so many beliefs in my life. I confess my creed fell far short of that of the hon. and learned Gentleman. I have often heard persons spoken disparagingly of who found their belief on what is derisively called "book religion;" but the hon. and learned Gentleman professes a "Bill religion." I must say he made a very good story out of it. He seemed from his thorough appreciation of every section to have made light reading of the Bill after he came from his election. But there was one point in his speech to which I must call his particular attention as a Law Officer of the Crown. He said one thing which I very much regret. A good deal had been urged about the purchasers in the Encumbered Estates Court. The hon. and learned Gentleman asked why purchasers in the Encumbered Estates Court should be treated differently to everybody else, and asked what they had done to be treated so differently. He says, supposing a man purchased in the Encumbered Estates Court, having seen that the tenant had put up some new buildings on the land, and bought it cheap and then refused to allow the tenant any compensation for such buildings, he would call that man "a felon." But who was the felon? If the tenant were robbed by the action of the Encumbered Estates Act, I say that Parliament was the felon, and not the man who bought in the court an estate free from all encumbrances. I think it ill becomes a Law Officer of the Crown to say that a gentleman who purchased an estate under the terms of an Act of Parliament was in any sense of the word a felon. The Act had already given him the right of purchasing an estate in that court free from all encumbrances — freedom from encumbrances all kinds being the main inducement held out—and even though some interests and possibly some improvements of tenants had been sacrificed by the act of the law it was certainly a misuse of terms to call such a purchase felonious, and gave currency to ideas in Ireland that are unjust and mischievous. I say, with respect to these purchasers in the Encumbered Estates Court, they have immense claims under this Bill. The very condition on which they purchased was that they should have no encumbrance with the estate. A lady has written a letter to me stating that she had bought a small estate in the Landed Estates Court, whither she was allured by the assurance that if she made certain improvements on the estate she could double the rental without injury to the tenants. She offered to make those improvements for a fair consideration which was refused, and then she asked the tenants whether they would make those improvements, and they declined to do so. She is now at a standstill, very much, no doubt, in consequence of the measure now before Parliament. Although she has done nothing to increase the rents—she has let the property at very low rents—she may now, under this Bill, be called upon to pay those tenants compensation for the improvements already on the property distinctly conveyed to her under the authority and on the guarantee of Parliament. The right hon. Gentleman the Chief Secretary for Ireland seemed to assent to what was said to-night by my right hon. Friend the Member for North Lancashire (Colonel Wilson-Patten) with respect to the county cess. You propose that those who have purchased, as I say, without encumbrance, and for a Parliamentary title, shall have new conditions imposed upon them with respect to tenants, and you propose, with respect to tenants under £4 rental—that is, 20 per cent of the tenancies—to add to the burdens already imposed upon the landlords, if they should in the improvement of their property cause offence and give rise to an outrage upon either a landlord or his agent. You are to quarter the police upon his property, and he is to pay county cess, because the people try to murder him; is that common sense or justice? I know you say that in order to get rid of all these difficulties the power is given to offer thirty-one years' leases. Such leases are certainly more common in Ireland than elsewhere. But I want to know why it is that in Scotland land can be let on which the tenants would have to make the improvements and erect the buildings on a nineteen years' lease, and yet they consider themselves paid at the termination of such lease. Why is it that in Ireland a thirty-one years' lease should be required, and at the end of that term a demand should be made for compensation for permanent buildings and reclamation of land of which the tenant has had the advantage during the occupation? Now, in respect to permanent buildings under this Bill, the demand for compensation may extend back for ever, and the onus will be thrown upon the landlords to show that those improvements have been made by them if they want to relieve themselves from these liabilities. It is obvious that very great difficulties would lie in a landlord's way to produce this evidence; and the Government ought to impose a limit of time, which, unwisely, they have not done, for under the Bill as it stands a man might have to pay for a round tower. The purchaser in the Landed Estates Court gets no covenants from the previous owner; he merely gets a small parchment from the court, which conveys to him all that he finds upon the land; it is no object to him to enquire or know who put the buildings up. Suppose they were all put up, as I believe many are, by the landlord, how is he to prove it? But by this Bill he who comes in, having purchased all in the first instance, is called upon to prove, as against the tenant, that the buildings were put up by his predecessor. Was there ever so monstrous a proposition? A Parliamentary guarantee having been given by the court, if a payment is to be made, Parliament ought to make it. I come now to another point—namely, the sale of land to tenants. I am bound to say I cannot speak of this part of the Bill in the terms used by some Gentlemen opposite in relation to it. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) alluded to a society instituted for the purpose of raising money to purchase small farms and stated that it had broken down. I wish also to remind the right hon. Gentleman opposite that in the Landed Estates Court several great estates had been cut up for the purpose of facilitating their purchase by small holders. But it was found that that object had been obtained only in very rare instances. If men are so anxious to become proprietors instead of tenants, why do they give from twenty to forty years' purchase to acquire a tenancy? Why do they not go into the court and buy estates? They have not done so, and I presume there is no wild desire to become landowners, except in the case of very small tenancies, which nobody desires to turn into proprietorship. I want also to know—supposing a man wished to part with his estate, and to get the highest price for it, and that in order to do so he divided his estate and put it up to auction—on what condition would the Government make the advance? Will they say—"Whatever you buy at we will advance three-fourths of the purchase-money?" If not, it will be no use. Another point—suppose the tenants in any of those haunts in Tipperary which have been referred to, desired to purchase, and a stranger or neighbour wanted to buy, what would be the chance of that stranger or neighbour getting it? Would he like to bid against the tenant? And if he did, and bought, would he like to take possession of the land? This shews the difficulty of Government mixing itself up in these matters. I think the Government are taking a great responsibility on themselves in helping the people to buy land, as there is no speciality in Ireland that should apply there and not to the rest of the kingdom; and if you do it for the rest of the kingdom, we might be called upon to spend millions without any advantage, and contrary to all sound political economy. Then there are provisions that those who buy with Government money shall not subdivide or sublet, but who is to look after them? Is Government to be at the expense of having agents to travel about the country to see to these separate little tenancies? There are already inspectors enough in England and Ireland, and I hope that the Government are not going to have land inspectors also; for if so, they will be brought into some of the difficulties and dangers which at present surround landlords and agents. But suppose that the tenants buy otherwise than by auction, and that the Government assists them to the extent of three-fourths of the value, and the tenant farms badly, which even landowners are sometimes guilty of, so that the land may be deteriorated to the extent of one-third or one-fourth of its value. What is Government to do with land in that condition? I believe that to be a probable and a possible case, because land is frequently "scourged," or so ill-used, that there is very great difficulty in treating it as good land, as land which will sell for the price at which it was purchased. With respect to improvements, allusion had been made to to the Bill of Lord Mayo, to which I was a party, in which compensation for improvements was to be both prospective and retrospective; but by the 3rd clause of this Bill there seems to be a difficulty with regard to this matter. There are always a certain number of evictions for non-payment of rent, and I have inquired for what period the rent is, on the average, due. I find, in the Returns, nothing so low as one year; there are a few something above a year, but the great majority are about two years, though there are some for three or four years' rent. Suppose a tenant has been making improvements upon the land while he has been running into arrears with his rent—whose capital has he been using? Is he, when the rent cannot be obtained, and he is turned out, to be paid for those improvements? I say these are not the tenant's improvements, if he has made them during the time he has been running into arrear, although that is not very probable; yet, if he claims them, he has not made them with his own money, but with the money of his landlord. I have pointed out some of the points of the Bill which I think will require re-consideration. Many others have been referred to; but I come to the conclusion that we must look to the Government, who have taken this vast responsibility on themselves, in the hope that good may come from it, and I will go as far as I possibly can without unjust encroachment on rights to assist them. I do not speak so sanguinely as others have done on both sides of the House, for I do not expect that peace will immediately ensue on the passing of this measure. Nobody ought to expect it; but I am afraid that there are matters in connection with the Bill which will prevent peace permanently ensuing, unless the country is governed differently from what it has been. I read with sorrow and regret in a paper published on Monday last, a statement about the agricultural labourers of Ireland, that in almost every instance, and in all parts of the country they are discontented and disaffected. That brings me to a part of this measure on which I have yet said nothing—namely, the question of labourers' cottages, and the subdivision of land to the extent of half an acre. It is perfectly clear that the opinions expressed on both sides of the House are against that plan. The extreme advocates of tenant-right, the hon. Member who moved the Amendment (Mr. Bryan), and many others, have spoken against it, and, indeed, that hon. Gentleman said—"God help them if they are to be tenants to the farmers." All you provide for these labourers, who are discontented and oppressed at present, with small wages, made to work very often for the farmers in whose cottages they live upon conditions which are injurious and discreditable, is to allow the farmers to let them houses, each with half an acre of land. Do you think that that will satisfy them? Do you think that those who are struggling to better their condition in the hope of becoming small farmers, will find any amendment of their condition in this Bill? Instead of getting small farms without purchase or fine, they will, under this Bill, have to pay their way into them. In addition to that, all the discontented men who are crowding Ireland and seeking to be admitted to tenures will cause a vast competition in consequence of these new arrangements, and a vast number will still be left outside in the cold. There must be a great number of persons who cannot get farms, and, even if they could, it would only be by the multiplication and subdividing of farms, which would be the unhappiest event that could befall Ireland. I was astonished to hear the hon. Member for Kilkenny (Sir John Gray) speak of the evil of consolidation of farms, because a few years since it was urged that a higher class of farmers, something between the gentry and the peasantry, was wanted for Ireland. These men are growing up, if you will but let them take root in the soil. Now, it is said that the English and Scotch proprietors are to be rooted out. An hon. Member opposite shakes his head; but that was the term used by the hon. Member. He said that the Irish race were the people whom Providence had brought upon the land. Does he mean that every man who was born upon the land is to inherit a piece of it? Or does he mean that a man who is put by a landlord into possession of a small farm for a year is to be rooted on it for ever, and that there is to be no power of turning him out? Such a thing is an outrage and an absurdity, and I cannot understand hon. Members getting up any argument upon them. He said there was in one part of Ireland a great quantity of grazing land? and why, because the country is adapted to it. A man who goes to New Zealand does not plough up grass land on which he can feed sheep to advantage, and why should the people of Ireland treat it differently? It seems to me that those who are opposing this Bill are opposing on extreme views, putting aside not only political economy, but common sense and reason, and everything that is just. The hon. Member for Cork said something about the grazier, and added he would speak about him again, but from forgetfulness or some other cause he omitted to do so. It is clear however that his meaning is that those practical farmers who went to Ireland for the purpose of improving cultivation there are to divide their land in small lots; and one Member seems to complain because a holder of a hundred acres would not divide it into ten lots for ten men who wanted ten acres each. I hope, however, we shall not find a man fool enough to do that in the Three Kingdoms. You are to go further than that. Here is a priest who publishes a letter, in which he says in effect—"No Bill will do any good; agitate and root out these English and Scottish settlers; root them out, because there are natives who want the land subdivided." But the land was occupied by those enterprizing men when there were no inhabitants upon it. They made no clearances or evictions—the famine had done that work—but they went over from Scotland and from England at the invitation of great statesmen at that time in this country. Those who remember what Sir Robert Peel and others said about the advantages of these men going over to Ireland, I trust will not forget it now. These men went over at the instigation of Parliament, and on the belief that Parliament would establish them, and when established protect them in their holdings so long as they did right and injured no man. They cultivated the land to the best of their ability, and made it beautiful, and what is their reward? They receive threatening letters on every side. They are told that the land is to be for the Irish, and that they themselves are to be rooted out. I hope such language will never be used in England with respect to the Irish race. Irishmen are seated on our Bench, they are in our courts, in our exchanges, and in our fields. In every part of our country they are admitted freely to compete with us, and it is a shame, a wrong, and a sickening thing to hear Irishmen speak of Ireland as meant for the Irish race alone, instead of being for the advantage of the United Kingdom. If there is to be security of tenure in Ireland, Englishmen and Scotchmen there should have that security as much as anyone else. Now, Sir, this Bill, as my right hon. Friend the Member for Liskeard (Mr. Horsman) says, goes far enough in some respects. I frankly admit it goes too far for me; but, at the same time, I think that no one on this side of the House has offered, either in word or deed, any factious opposition, and the only person who has insinuated that anything of the kind has been done is the right hon. Gentleman the Member for Liskeard. I think the right hon. Gentleman the Member for Liskeard was a little disappointed. He had arranged to speak second; and when the right hon. Gentleman the Member for North Lancashire (Colonel Wilson-Patten) got up and spoke with that judicious care and thoughtfulness he always uses on every subject, the right hon. Member for Liskeard said he was astonished at the opposition. Nothing had disappointed him so much, and I dare say he disappointed the House very much, because I believe there would have been far more pepper in his speech if there had been, as he seemed to hope, a strong opposition one from this side of the House. Sir, I will conclude by expressing the earnest prayer and hope that this Bill will meet the wishes of its authors, and that it may meet the wishes and hopes—I dare not say expectations — of us who are so far giving it their support. I implore the Government in dealing with this measure not to look upon it simply as a measure for the present, and as compensation for the state of things which now exists, but to look a little forward, and see if they cannot, for the future, introduce conditions into Ireland which will make the arrangements there alike consistent with the interests of the inhabitants and with some mild connection with political economy. I will not go so far as the right hon. Gentleman the Chancellor of the Exchequer in pressing the doctrines of political economy with the pitiless logic of which he is always master. Two years ago the right hon. Gentleman implored that these doctrines should prevail. I hope that he will use his influence that they may prevail to some extent in the future in Ireland. He said then—

> "I entertain a prejudice derived from Scotland and adopted by Adam Smith, that a man is at liberty to do what he likes with his own, and that having land it is not unreasonable that he should be free to let his land to a person of full age upon the terms upon which they shall mutually agree. That I believe to be reason and good political economy."

I believe that also. And this I want to know—I want the Government to explain why, when they are appealing to a third person with respect to the thirty-one years' contract, they will not, as was pressed by my right hon. Friend, allow the people to contract for themselves, even if they should call in the assistance of this third party to help them, which, however, I think is contrary to principle. Why should not people, if any contract be allowed on that footing, call in a third party to settle upon any basis they may think fit, any question that may arise? We have heard Lord Portsmouth much praised as a landlord to-night; but if Lord Portsmouth had come into possession of his property under the 3rd clause of this Bill, he would not have been able to make those contracts which are said to be so beneficial to his tenants. You are going to stereotype what you find in existence, without satisfying yourselves that it is a good thing. You are hoping to establish in Ireland what many in their hearts believe to be absolutely bad, but what you assume to be a panacea not only for the present, but for the future. I implore you to look beyond. I implore you to put Ireland on such a footing that upon ordinary principles of self-interest those men in Ireland whom you trust with votes, and regard as qualified to share in your free institutions, may be enabled to contract with one another, and that those men, some of whom I am sorry to say are capable of intricate conspiracies, and of the most difficult and arduous tasks in the pursuit of objects destructive to others, may have the chance and the hope, by your putting the relations of landlord and tenant upon a just and reasonable footing, and in accordance with the laws—I do not say the strict laws of England, but suiting those laws in some degree even to Irish prejudices—I implore that they may have the chance and the hope of being put upon such a footing that in the future their interests shall guide them, as men's interests guide them in England and Scotland, to settle their own differences. And do not hope by merely offering them sugar-plums, and dealing with them as children, that you will prevent agrarian crime. It is only by treating them as men, and making them understand their true interest, that you will eventually bring about a state of things in Ireland which will add peace and prosperity to that country.

Mr. W. H. GREGORY moved the adjournment of the debate.

Mr. GLADSTONE said, he hoped, as the debate had been adjourned till Friday, that hon. Gentlemen would be kind enough to allow the debate to proceed. The Order for Supply would be got rid of as rapidly as possible. He made these observations in the full expectation that they would be able to bring the debate to a close on Friday.

Debate *further adjourned* till *To-morrow.*

COINAGE (*re-committed*) BILL—[Bill 51.]

(*Mr. Chancellor of the Exchequer, Mr. Stansfeld.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Standard of Coins. 56 G. III. c. 68. ss. 4, 11).

MR. CRAWFORD moved the insertion, at the commencement of the clause, in order to show the principle on which the weight of this coinage was based, of the following:—

"Whereas it was provided by the Act fifty-six George the Third, chapter sixty-eight, that the gold coin of the United Kingdom of Great Britain and Ireland should hold such weight and fineness as were prescribed in the then existing Mint Indenture (that is to say): that every pound weight troy should be in value forty-six pounds fourteen shillings and sixpence (being after the rate of one thousand eight hundred and sixty-nine sovereigns to every forty pounds troy weight), and in fineness twenty-two carats of fine gold, and two carats of alloy; and, further, that silver coins should be of a standard fineness of eleven ounces two pennyweights of fine silver, and eighteen pennyweights of alloy; and in weight after the rate of sixty-six shillings to every pound troy; Be it enacted, That"

First Schedule, line 3, after "standard weight," in second column, insert—

"After the rates of one thousand eight hundred and sixty-nine sovereigns to every forty pounds troy weight of gold, and sixty-six shillings to every pound troy weight of silver."

He understood that the Amendment was not opposed by the Chancellor of the Exchequer. The object of the Amendment was to give a reason for the enactment of the weight of the sovereign, which was that it happened to be the first integral number of sovereigns that could be made of a certain integral weight—namely, forty pounds troy of gold.

THE CHANCELLOR OF THE EXCHEQUER said, the reason was that 1,869 sovereigns weighed forty pounds troy. He was not sure, however, that if the division of forty pounds by 1,869 were carried out the result would be, not 123·274 grains, but above that a recurring decimal. However, he agreed to the Amendment.

Amendment *agreed to.*

Clause *added* to the Bill.

Clauses 4 to 6, inclusive, *agreed to.*

Clause 7 (Defacing light gold coin. 14 G. III. c. 70. s. 7. See also 56 G. III. c. 68. s. 7).

MR. CRAWFORD asked whether it was possible to carry out the penalty which it was proposed to inflict under that section? It was necessary to retain the clause, otherwise it would be impossible for the Bank of England to deface the light coin which passed into that establishment; but why should they seek practically to impose on every member of the community a penalty not exceeding £5, if he knowingly accepted from any person a sovereign of light weight? In all the ordinary transactions of life it could not be expected that people would test the sovereign. He begged to move the omission, in Clause 7, page 3, of all the words after "denomination."

MR. BARNETT joined in the appeal to the Chancellor of the Exchequer that some relief should be given on the score of this clause, which would be utterly impracticable in the ordinary operations of business. If the right hon. Gentleman could spare time to spend an hour in one of the banking-houses of the City some day between three and four o'clock he would see how impossible it would be to carry it out. He regretted he had not had an opportunity of communicating with the right hon. Gentleman since this morning, when he had been able to gather the opinions of several persons much interested in the question, that he might suggest the omission of the clause as it stood, in order to bring up another on the Report which would leave the requirement of defacing the gold, as at present, in the hands of the Bank of England. If the clause were passed, bankers and others could but humbly submit, but great inconvenience would arise.

THE CHANCELLOR OF THE EXCHEQUER said, the object of this Act was not to make a perfect code, but to get all the laws on the subject into one single Act, in the hope that on such a foundation a better code might be built hereafter. As the law stood now, anyone receiving a light coin, whether knowing that it was light or not, was guilty of a misdemeanour. What he proposed to do was to impose a slight penalty, instead of making it a misdemeanour.

MR. KINNAIRD said, the duty of that House was not humbly to submit, but earnestly to protest against such a course on the part of the Chancellor of the Exchequer.

SIR JOHN LUBBOCK said, he hoped the Chancellor of the Exchequer would give way. It would be most inconvenient to require the public to keep a weighing machine and a pair of scissors in order to comply with the requirements of the clause.

MR. GOSCHEN said, he did not understand why, if the Bank of England undertook to clip light sovereigns, private banks should not do so. If private banks were allowed to pass on the light sovereigns without clipping them, the object of the Bill would never be attained.

MR. CRAWFORD pointed out that a Government Department, the Post Office, was one of the worst customers the Bank of England had. It habitually passed on its light sovereigns to the Bank, which, in consequence, sustained an annual loss of £400 by the Department.

MR. KINNAIRD said, there was hardly a private bank that had not an account with the Bank of England, whose officials weighed the sovereigns paid in, and if a private bank happened to pay in light coin it had to suffer the penalty.

MR. R. FOWLER said, he hoped the Chancellor of the Exchequer would pay great attention to the observations that had been made by the hon. Baronet the Member for Maidstone (Sir John Lubbock) in reference to the inconvenience now suffered by the public by reason of the defective state of the law.

An hon. MEMBER thought that the loss entailed by the deterioration of currency should be sustained by the country and not thrown upon individuals.

MR. W. FOWLER regarded the last proposition as a somewhat dangerous one, and one that had very little to do with the subject under discussion. The law as it stood was, in his opinion, right. The owner of a light coin ought to bear the loss.

MR. ANDERSON said, he thought it would be a very great hardship to call upon Scotland, which had no sovereigns in circulation, to contribute a portion of her taxes to meet the loss entailed by the deterioration of the coinage. He thought such a proposition, if made, would cause the merchants of England to turn their attention to the desirability of having a small note currency.

THE CHANCELLOR OF THE EXCHEQUER admitted that the question was by no means an easy one to settle, and thought the House would do wisely to keep the law in its present state. The question was a very large one, and he held an opinion upon it different, perhaps, from any that had been expressed. He thought they ought to calculate the life of a sovereign, which was, he believed, about eighteen years, and that the State should, after the lapse of that period, withdraw all such coins from circulation, the State not to be responsible for any deterioration within the stipulated number of years. Such a course would have the effect of limiting the amount of light money.

Clause *added* to the Bill.

Clauses 8 to 10, inclusive, *added.*

Clause 11 (Regulations by proclamation).

MR. SINCLAIR AYTOUN said, the clause proposed to give power

> "To direct that coins coined in any foreign country shall be current, and be a legal tender, at such rates, up to such amounts, and in such portion of Her Majesty's dominions as may be specified in the proclamation."

Now, he had consulted a number of legal authorities and found that the Crown had no power to cause foreign money to be current in this country except with a certain proviso, and he therefore thought the clause should be struck out of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he would consider the matter, and refer to it again on the Report.

MR. CRAWFORD thought the powers proposed to be conferred on the Treasury were too great, and moved an Amendment to sub-section 10, confining the powers of the Treasury in regulating "matters relative to the coinage and the Mint" to matters "within the present prerogative of the Crown."

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clauses 12 to 15, inclusive, *agreed to.*

Clause 16 (Custody, &c. of standard trial plates. See 29 & 30 Vic. c. 82. s. 13).

MR. CRAWFORD called attention to an omission in the clause, which provided for the testing of the weights to be used in testing, but said nothing of the scales, which also required seeing to very carefully. It was found highly necessary to pay attention to this matter in the Bank of England. The omission could easily be rectified on the Report.

Clause *agreed to.*

Remaining clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

INCOME TAX ASSESSMENT AND INLAND REVENUE LAW AMENDMENT BILL.—[Bill 63.]

(*Mr. Stansfeld, Mr. Chancellor of the Exchequer.*)

SECOND READING.

Order for Second Reading read.

Mr. STANSFELD, in moving that the Bill be now read a second time, explained that for the purpose of collecting the income tax within the financial year they were advised by the Inland Revenue that some legislation was necessary to hasten the preliminary proceedings—namely, the issue of notices and forms on which the Returns are to be made; and the main object of the Bill was to enable these notices and forms to be issued in time for the collection of the income tax. The Bill likewise included two distinct sections—one referring to the Returns which should be accepted as the basis of valuation, and the other providing that the Income Tax Commissioners should also be the Commissioners with respect to the inhabited house duty.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Stansfeld.*)

Mr. SCLATER-BOOTH offered no opposition to the Bill, which he thought in many respects a reasonable one; but pointed out that this was the first time during the twenty-seven years in which the income tax had been in force that it was presumed, before a single Vote was taken, that an income tax would be levied for the financial year. He could not help thinking that the right hon. Gentleman at the head of the Government some few years ago would not have been disposed to acquiesce in any such assumption. The wording of the Bill, however, was purely provisional, and, therefore, he did not object to it. As regarded the valuation lists of the metropolis, he greatly doubted whether the revision would be completed in time; and, if not, it seemed that they would be obliged to depend for accuracy of Returns merely on the statements of individuals, which would be a somewhat questionable course.

Mr. COLLINS, who had sometimes been called upon to sit twice, first as a Commissioner of Income Tax and next as a Commissioner of Inhabited House Duty, as to the self-same house, approved the proposed consolidation of offices.

Mr. GOSCHEN observed, that if the Returns were not ready in time it would be competent for the Commissioners of Income Tax to make the changes in the usual way. But, under the Metropolitan Valuation Act the Surveyor of Taxes was armed with very stringent powers.

Motion *agreed to*.

Bill read a second time, and *committed* for *To-morrow*.

MEDICAL OFFICERS SUPERANNUATION BILL.

On Motion of Mr. Brady, Bill to provide for Superannuation Allowances to Medical Officers of Poor Law Unions in England and Wales, *ordered* to be brought in by Mr. Brady, Sir Henry Hoare, Mr. Brodrick, and Mr. Clay.

Bill *presented*, and read the first time. [Bill 70.]

HOUSES OF PARLIAMENT (NEW REFRESHMENT ROOMS).

Select Committee *appointed*, "to consider Plans for New Refreshment and Dining Rooms for both Houses of Parliament."—(*Mr. Ayrton.*)

And, on March 11, Committee *nominated* as follows:—Lord John Manners, Mr. Bouverie, Colonel Wilson Patten, Mr. Edwards, Mr. William Henry Smith, Colonel French, and Mr. Ayrton:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter after One o'clock.

* * *

HOUSE OF LORDS,

Friday, 11*th March*, 1870.

MINUTES.]—Public Bills—*First Reading*—High Court of Justice* (32); Appellate Jurisdiction* (33).

CRIMES AND OUTRAGES (IRELAND).

QUESTION.

The Duke of MARLBOROUGH said, he hoped the noble Earl the Secretary of State for the Colonies would allow him to put a Question of which he had not been able to give him notice. He understood that the Prime Minister intended making a statement in the House of Commons on Monday as to the intentions of the Government with regard to any measures which might be necessary for giving further security to life and property in Ireland. He wished to know whether the noble Earl intended making a similar statement in this House?

EARL GRANVILLE said, that a statement would be made to their Lordships on the same evening on which the Prime Minister made his statement in the other House. He could not say whether this would or would not be on Monday.

THE MARQUESS OF CLANRICARDE said, he thought that, under these circumstances, it would be for the convenience of their Lordships that he should postpone the Motion which stood in his name for that evening for Returns on crimes and outrages in Ireland. No doubt it was desirable to have those Returns; but he thought it would be unbecoming, and, indeed, almost presumptuous, in him, when the Government had announced their intention of stating in so short a time their views on the condition of Ireland, to interfere. He would, therefore, postpone his Motion, without fixing a day for it, as he did not wish to bring on a discussion which would much more fitly originate with the Government.

HIGH COURT OF JUSTICE BILL [H.L.]

A Bill for amending the law relating to the constitution of the Superior Courts of Law and Equity, of the Court of Admiralty, of the Court of Probate, and of the Court for Divorce and Matrimonial Causes—Was *presented* by The LORD CHANCELLOR; read 1ª. (No. 32.)

APPELLATE JURISDICTION BILL [H.L.]

A Bill for better regulating the constitution and procedure of Courts of Appeal—Was *presented* by The LORD CHANCELLOR; read 1ª. (No. 33.)

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 11th March, 1870.

MINUTES.]—SELECT COMMITTEE — Houses of Parliament (New Refreshment Rooms), *nominated.*

PUBLIC BILLS—*Ordered*—Petty Customs (Scotland) Abolition *.

First Reading—Mutiny *; Marine Mutiny *.

Second Reading—Irish Land [29], *adjourned debate resumed and further adjourned.*

Committee — Report — Income Tax Assessment and Inland Revenue Law Amendment * [63].

Considered as amended—Coinage * [51].

PRIVILEGED STUDENTS AT OXFORD.

QUESTION.

MR. REED said, he would beg to ask the First Lord of the Treasury, Whether his attention has been called to a certain provision in reference to the terms of residence for Degrees for students of the privileged class at the University of Oxford, viz.

> "Privileged students are these:—All Peers; all sons and the eldest sons of all eldest sons of Peers and of Peeresses in their own right; all Baronets and the eldest sons of all Baronets and Knights. All such students, if matriculated as such, and not on the foundation of any College, may be admitted to the Degree after Eight Terms' residence, yet not till their Twelfth Term. A Bachelor of Arts can proceed to the Degree of Master in the Twenty-seventh Term (if privileged in the Twenty-third) from his matriculation;"

and, whether the Government will introduce a measure which would place students, without respect to rank or birth, in an equal position with regard to Terms of residence required, before proceeding to the Degree of Bachelor or Master in Arts, Medicine, or Civil Law?

MR. GLADSTONE: In answer, Sir, to the Question of the hon. Member, I have to state that my attention was called more years ago than I care to state to the existence of this regulation, and that there is a similar regulation in the University of Cambridge. The utility of the regulation is a good deal contested, although it is only fair to the Universities to state that the privilege does not in the slightest degree tend to mitigate the rigour of the examinations, which must in every case be precisely the same, because I must state for the honour of the Universities that they are not so base as to descend from their standard with the object of courting the great. Looking at it as a matter of internal discipline, it is possible that the retention of this regulation may give rise to other questions otherwise distinct and separate. All I feel called upon to say at the present time, however, is that I am not prepared on the part of the Government to give any pledge that we shall be able to take up this question during the present Session, or that it is expedient to invoke the aid of Parliament upon a matter of this magnitude, whatever the merits of the case may be.

ADULTERATED TEA.—QUESTION.

MR. STAPLETON said, he wished to ask the Secretary to the Board of Trade, Whether his attention has been called to the importation from China of large quantities of adulterated or spurious Tea, stated by Dr. Letheby, by whom it has been analyzed, to consist of re-dried leaves of exhausted Tea in a state of putrefaction; whether he is aware that it is used for the adulteration of genuine Tea, and that it is in such demand that its price has risen from 2*d.* to 5¼*d.*; and, whether the Board of Trade are taking any measures to protect the public from the increase of adulteration indicated by this rise in the price of re-dried Tea leaves?

MR. SHAW LEFEVRE: Sir, I believe it is a fact that considerable importations have recently been made of tea of very inferior quality, consisting, it is said, of re-dried leaves of tea which has already been used. A portion of this has been seized by the City authorities, under the Nuisances' Removal Act, on the ground that it is unfit for food. The remainder has been already exported to the Continent. I am not able to say whether any portion of it has got into general consumption in this country; but as the Excise Department exercise considerable power of seizing adulterated tea wherever it may be, I am not prepared to say that the law requires any amendment.

INDIA—RAILWAYS.—QUESTION.

MR. RODEN said, he wished to ask the Under Secretary of State for India, What number of miles of Railway the Government propose to construct in India, and the estimated rate of construction per year?

MR. GRANT DUFF: Sir, I regret that I have no means of answering the hon. Gentleman's Question. If he will refer to the 41st paragraph of the despatch of the Government of India, and the 15th paragraph of the Secretary of State's despatch in reply, to which I called his attention last week, he will see that the expenditure on the State lines is not to exceed, for the present, £3,750,000 per annum; but we have not yet received any estimate for the first year. Vast projects like these State railways are not launched in a day, and I should have hoped that my answer given to the hon. Gentleman a week ago would have been sufficient for the present.

EMPLOYMENT OF PAUPERS—WESTMINSTER UNION.—QUESTION.

MR. J. G. TALBOT said, he wished to ask the President of the Poor Law Board, Whether it is true that the carriage used for fever patients in the Westminster Union is usually drawn by paupers; whether on a recent occasion the men who had drawn a patient in this carriage to the special Fever Hospital at Hampstead were found by the medical officer there in a state of complete exhaustion; and, whether the Poor Law Board have any means of putting a stop to such a practice?

MR. GOSCHEN: Sir, in reply to the Question of the hon. Member, I have to state that it is true that the carriage, if it can be called a carriage, in which the fever patients are brought to the hospital in question is drawn by paupers. I was at first under the impression that the carriage in which the fever patients are so drawn was an ordinary carriage with a pole or shaft, and that the paupers were harnessed to it like beasts of burden; but it turns out upon inquiry that the vehicle is merely a sort of hand ambulance, like a water bed for an invalid, but with a covering or top to it. The paupers received 6*d.* a day for their labour, and there are always more volunteers for the service than are required, the fact being that they regard the day's outing and the 6*d.* as a rather welcome relief to the monotony of workhouse life. With respect to the second part of the hon. Member's Question, I have to state that the foreman who accompanied the three paupers on the occasion referred to asserts that he was not aware that the men were exhausted, although they asked for some beer when they arrived. On that occasion, however, fresh stones had been laid down before the hospital, which may have increased their labour. The guardians have informed me that no information nor complaint has come to their knowledge or that of the master with reference to the men being exhausted, or even fatigued. Dr. Shaw, the medical superintendent of the hospital, says—

> "As to the official and paupers who drew the ambulance, I beg to state that they were fatigued, but not exhausted, and that they were not

more fatigued than might be expected from drawing an ambulance of that description."

The guardians state that the provision of a new ambulance to be drawn by horses is under consideration. Of course, in the present, as in many other cases, publicity really means prohibition.

ARMY—OFFICERS OF MILITIA.

QUESTION.

COLONEL CORBETT said, he would beg to ask the Secretary of State for War, Whether he considers that by the Act 42 Geo. 3, c. 90, s. 170, Officers of Militia are exempted from serving as parish officers, and if they are not, whether he will take steps to include them in the exemption?

MR. CARDWELL: Sir, the Act of *Geo.* III. gave Militia officers exemption from the office of sheriff, and non-commissioned officers and privates from the parish offices. The Legislature has since withdrawn the former privilege from officers, and I have not heard that any inconvenience has been experienced from their being liable to serve as parish officers. My opinion is that the feeling of the House is rather unfavourable than otherwise to new exemptions.

SCOTLAND—COURT OF SESSION.

QUESTION.

MR. CRAUFURD said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to fill up the vacancy in the Court of Session occasioned by the decease of Lord Barcaple; or whether they intend to defer any decision on the subject until the Scotch Law Courts Commission have presented their Report, and the same has been considered by the House?

MR. GLADSTONE: Sir, the Question of the hon. and learned Member relates to the filling up of the vacancy in the Court of Session occasioned by the death of Lord Barcaple. Now, what we are informed is this—Lord Barcaple was a Judge of the Outer Court, and we are told that that court is heavily charged with business, while the Upper or Inner Court is by no means so heavily charged with business. The latter is the higher court, and I understand it would not be satisfactory to bring the Judges of the Inner Court in aid of the Judges of the Outer Courts, because of their positions being higher. What we propose to do, therefore, is this—we shall fill up the vacancy caused by the death of Lord Barcaple, in order to prevent any public inconvenience arising in the delay of business, and arrears in the Outer Court, but we propose to make the appointment subject to the condition that the person taking the office shall be bound by any rules or regulations which Parliament may think fit to enact as to the future arrangement of business in these courts, because we think the present distribution of judicial strength is not what it ought to be, and the attention of the Parliament must be called to the matter.

UNITED STATES—WATER BOUNDARY.

QUESTION.

VISCOUNT MILTON said, he wished to ask the Under Secretary of State for Foreign Affairs, If any negotiations are now going on between Great Britain and the United States of America in relation to the Water Boundary question; and, if so, whether he will lay the Correspondence upon the Table of the House?

MR. OTWAY, in reply, said, there were no negotiations in progress on this subject at present. It had been agreed between Great Britain and the United States that the question of the water boundary should be referred to arbitration, as the House had been informed by the Papers which had been laid before Parliament. There was no further correspondence on the matter which Her Majesty's Government could now present.

VISCOUNT MILTON said, he now wished to ask the Under Secretary of State for Foreign Affairs, What steps the Government mean to take with regard to the settlement of the Water Boundary question; and, if the Government do not intend at present to take any action in this matter, to state when it is the intention of the Government so to do?

MR. OTWAY said, it would be premature, indeed almost impossible, to state now what steps Her Majesty's Government might think right to take in this matter. Their course must necessarily depend on circumstances.

ARMY—EXPENSES OF OFFICERS.

QUESTION.

Major WALKER said, he would beg to ask the Secretary of State for War, Whether he has considered, and is prepared to remedy, the heavy increase of mess and band subscriptions which will be entailed on Regimental Officers by the proposed reduction of their numbers, and by the discontinuance of promotions from the rank of Ensign or Cornet to that of Lieutenant?

Mr. CARDWELL: Sir, I am not prepared to propose any increase in the pay of officers on account of the consideration which has been suggested in the Question, because it appears to me that the amount of the mess and other voluntary subscriptions must be in proportion to the number of officers rather than in the inverse ratio.

ARMY PROMOTION.—QUESTION.

Mr. SINCLAIR AYTOUN said, he would beg to ask the Secretary of State for War, Whether, in carrying out the proposal to give twenty-five unattached Lieutenant Colonelcies, fifty Majorities, and one hundred Captaincies, as mentioned in his Speech on the Estimates, to meet the claims of Officers and stimulate the rapidity of the absorption of the reduction of the Army, it may be understood that it is intended to give such promotion according to length of service from the date of first entering into the service, in conformity with the precedent established in 1866, when Parliament sanctioned a similar distribution of a certain number of unattached Commissions?

Mr. CARDWELL: Sir, it is the intention of the Government to pursue the same course that was pursued on a similar occasion in 1866, which is, that his Royal Highness the Field Marshal Commanding-in-Chief considers the professional claims of the several officers and recommends them for the approval of the Secretary of State accordingly.

TELEGRAPHS AND THE PRESS.

QUESTION.

Sir STAFFORD NORTHCOTE: Perhaps, Sir, I may be allowed to explain that I have heard complaints have been made on the part of proprietors of country newspapers, some of which are published very early in the morning, that they do not receive the reports of proceedings in this House as early as they used to do; in fact, they do not receive them in time for publication. I have sent privately to the noble Lord (the Marquess of Hartington) one of the communications I have received on the subject, and I have since received another, saying matters are still unsatisfactory, and assigning as one reason for this, an alteration in practice. Parliamentary news was formerly telegraphed direct from the House; but now it is sent from Westminster to the neighbourhood of Moorgate by mounted messengers, and there it is manifolded into fifteen copies on Fridays, and twelve on other days, before delivering it in Telegraph Street. From half an hour to an hour and a quarter is thus lost in the transmission of each despatch. This statement comes from the Manager of the Press Association, and the Question I wish to ask the Postmaster General is, Whether it is true that the system of sending Parliamentary reports by Telegraph direct from the Houses of Parliament to the offices of Country Newspapers has been put an end to since the Telegraphs have been taken into the hands of the Government; and whether any measures can be taken for remedying the inconvenience which has been occasioned by the change?

The Marquess of HARTINGTON: Sir, as the subject of the right hon. Baronet's Question is one of very considerable importance, not only to provincial newspapers, but to the public generally, perhaps the House will allow me to enter into a little detail. Under the old system the companies, although they competed with one another for the transmission of public messages, combined together for the supply of intelligence. They formed among themselves an intelligence department, and that department collected and transmitted exactly what news it pleased. It is true that under the old system the intelligence department did send Parliamentary reports from this House. They sent on one wire to Birmingham and Liverpool, they sent on another wire to Leeds and Manchester; on another to Edinburgh, Newcastle, and Glasgow. If no more were required than these, we could do the same—nay, we could do more—because it would be in our power to send to the following places:—On one wire to Birmingham, Liverpool, Manchester; on another wire to Leeds, Sheffield, Nottingham, Newcastle and Edinburgh, and on another to Glasgow; and, if necessary, we could send on another to Bristol, Exeter, Plymouth, and Cardiff. But we are now required to send a great deal more than Parliamentary reports. We are required by the same persons who take Parliamentary reports to send them the following other descriptions of news:—General news, Reuter's news, sporting, shipping, and commercial intelligence; and we have to transmit these different items of intelligence during the period at which Parliamentary news is to be sent—that is to say, from six in the evening until three in the morning. In the case to which I have referred, the intelligence department gave precedence to Parliamentary reports, and very little of other descriptions were sent upon these wires. The associations, however, which now collect news for the Press decline to allow any precedence to be given to Parliamentary news, and they desire that the other news shall be sent at about the same time. Now the fact is the subscribers for the news are as various as the news itself, and what suits one does not suit another. The Department has not the power to give precedence to any particular description of news, and it is quite evident that there is a limit to the capacity of the wires, and it is impossible for us to send all the descriptions which I have mentioned in such a way that they shall reach the subscribers in time. It is a fact, however, that the actual amount of news received and printed by the provincial Press is very much greater now than it was under the old companies' system; but the course pursued by the Press Association is such that it is almost certain that no particular subscriber can be sure of receiving that particular article of news of which he is in want. It follows from this statement that it is not in the power of the Department to ensure, at all events at present, to the provincial papers exactly all the news that they want, and I do not see how that could be done except from the co-operation of the Press Association, and their subscribers reducing their requirements. Until we receive that co-operation, and other wires are put up to meet the increasing work, I think the inconvenience will continue to be felt.

INDIA—FISH PRESERVATION.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether any, and what, measures have been taken for the preservation of Fish in the Rivers of India?

MR. GRANT DUFF replied, that his right hon. Friend had probably seen the despatch of June 17, 1869. Since that was sent the India Office had received from the Government of India a despatch, enclosing a Report by Dr. Day on the Fresh-Water Fisheries of Orissa and Midnapore, and had recommended that some of his suggestions should, if found feasible, be adopted without delay. Still more recently a very interesting Report by Dr. Day on the Fresh-Water Fisheries of British Burmah had been received at the India Office; so his right hon. Friend would see that this important subject was engaging a good deal of attention.

ALLEGED SECRET SERVICE MONEY PAID TO MEMBERS OF PARLIAMENT.

QUESTION.

MR. WINTERBOTHAM said, he would beg to ask the First Lord of the Treasury, Whether his attention has been directed to a statement by an eminent Judge in "another place," that in taking the accounts of a Railway Company in the Court of Chancery, shortly after he had a seat on the Bench, he found the item of £10,000 for secret service money paid to Members of Parliament, and that he was assured the expenditure had been necessary, and inferring that this was an evil requiring a remedy; and, whether he proposes to take any steps to inquire into the statement, and to vindicate the character of this House?

MR. HENDERSON said, he would also beg to ask the First Lord of the Treasury, Whether his attention has been called to a statement made by the Master of the Rolls in "another place," as reported in "The Times" newspaper of the 9th instant, viz.,

> "No body of persons were so incompetent to perform judicial functions as Committees of the House of Commons. Shortly after he had the

honour of a seat on the Bench an eminent Railway Company having got into a dispute, he had to take the accounts in the Court of Chancery, when he found the item of £10,000 for secret service money paid to Members of Parliament—of course he disallowed the item—but he was assured that the expenditure had been necessary. Now, the scandal occasioned by the discussion of such a question in Court was a serious evil;"

and, whether he considers it to be the duty of the Government to request the noble Lord to afford such information as to the grounds on which such statement was made as may enable this House to make such inquiry in reference thereto as the interest of the public service in regard to legislation on Private Bills demands?

Mr. GLADSTONE: The most important part, Sir, of the answer that I can make to the suggestion of the hon. Members is contained in a note which I had the honour to receive from Lord Romilly himself, and which, I presume, there is no breach of propriety in reading to the House. In this note he says—

> "I stated to the House of Lords that when the case came before me in the Court I stated my disbelief of any such sums being paid, and I disallowed the item; but that I mentioned the circumstance in order to show the scandal which arose from the present system of private legislation."

The only question we have to look at is the policy of taking any step with regard to this matter, and I am met in the first place by this, that perhaps it is not expedient to mention in this place and at this stage the name of the case. We are also met by this consideration, that this statement refers to transactions which took place sixteen years ago, and the evidence before us is that a learned Judge has said that an allegation of this kind was made before him, but that he disbelieved that allegation; and then, that perhaps my hon. Friends have been to a certain extent misled by the report, which, as I gather, did not notice that part of the statement of the learned Judge that he did not believe the allegation. That certainly is a very material part of it, and putting these two circumstances together, the remoteness of the date and the fact that the learned person who repeated the statement said he did not believe it at the time, I do not, as at present advised, feel that it is our duty to take any steps in the matter.

ARMY—PURCHASE OF COMMISSIONS.

QUESTION.

Major DICKSON said, he would beg to ask the Secretary of State for War, From what source a Cavalry Officer of or above the rank of Captain will obtain the regimental price of his commissions if he sells out previously to the eighth Captain in his Regiment being absorbed, as proposed in the plan for reducing each Cavalry Regiment to seven troops?

Mr. CARDWELL: Sir, promotions in succession to officers selling out of the cavalry will proceed as heretofore, without reference to the supernumeraries, who will be absorbed in succession to non-purchase vacancies, or possibly by transfer. An officer selling will therefore continue to receive the value of his commission from the officers who are promoted in succession.

INDIA—RAILWAYS.—QUESTION.

Sir DAVID WEDDERBURN said, he wished to ask the Under Secretary of State for India, Whether it is intended to entrust the construction of the projected State Railways in India to the Public Works Department; and, if so, whether the Government considers the operation of that Department in the conduct of the works carried out by its means to have been satisfactory as regards cost and rapidity of construction; whether there is any truth in the report that some of the Officers of the Royal Engineer Corps, recently appointed to take charge of the new State lines, have had no practical experience of Railway works; and, whether the Government intends to transmit the materials required from England for the projected State lines through the medium of the Store Department?

Mr. GRANT DUFF said, in reply to his hon. Friend's first Question, he had to state that it was intended to entrust the construction of these railways to the Public Works Department, which was now being reformed, or, he might say, re-organized, with special reference to its new duties. He was not aware anyone maintained that the working of that department had been hitherto entirely satisfactory. In reply to his second Question, he had to say that he did not know what reasons had guided the Government of India in choosing the particular

Royal Engineer officers whom it had recently chosen for railway work. The Home Government did not interfere with the discretion of the Government of India in such a matter, but the Government of India had staked so much on the success of the State railways that he apprehended it might be safely trusted to choose the very best men it could find. In reply to his hon. Friend's third Question, he had to say that the matter about which he asked was still under consideration.

IRISH LAND BILL—[BILL 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

SECOND READING. ADJOURNED DEBATE.

[FOURTH NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [7th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bryan.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. W. H. GREGORY said, that he was invited by his hon. Friends the Members for Kilkenny and Tipperary Counties (Mr. Bryan and Captain White) to oppose the second reading of the Bill; but he was unable to accept that invitation, for when the Speaker should put the Question from the Chair that "this Bill be now read a second time," he would say Aye without hesitation or misgiving. He was satisfied that his hon. Friends, and those acting with them, were animated by a sincere desire to promote the welfare of Ireland; but he appealed to those Gentlemen to consider whether they were not taking a course detrimental rather than beneficial to the Irish tenants. Extensive Amendments would be proposed, and alterations of great importance be attempted, when the House went into Committee on the Bill, and he could not conceive anything more fatal to Irish influence than that Irish Members should at the very start show signs of disunion among themselves. He also had received letters and communications from many quarters in his county requesting him to oppose this measure. No doubt if he did so he might receive a certain amount of transient popularity. He might return to his native town, and be received with trumpets and shawms; he might describe himself as a kind of Galway Cato struggling against an overwhelming majority and an all-powerful Minister—

> "Et cuncta terrarum subacta
> Præter atrocem animum Catonis."

That would be all very well, and he might play the part with great effect. But suppose that instead of seven or eight the whole Irish Liberal representation were also resolved on playing the part of Cato. What would then happen? Why, the Prime Minister would probably throw his hands up, and saying, in the words of a former great Reformer, "Here stand I—I can go no further—God help me!" he might withdraw the Bill, feeling that it would not be possible for him to proceed with it in the face of the unanimous disapprobation of his Irish supporters. After listening to the clear and admirable statement of his right hon. Friend the Chief Secretary for Ireland a few evenings before, in which he gave a sketch of all the Bills which had been brought forward hitherto to settle the land question and had failed, Irish Members, he thought, ought to take warning from the history of the past, and to hesitate now in interrupting legislation. His right hon. Friend had clearly shown not only that this Bill had come up to, but that it went far beyond other previous measures—not only that it had come up to, but had gone beyond the previous demands of the tenants' advocates themselves. He showed that in 1853 a wider Bill was offered than any other up to this time, and that though it passed the House of Commons still it had fallen through, and had been succeeded by measures far less comprehensive. Did that convey no warning? He (Mr. Gregory) would not assume the responsibility of standing in the way of a proposal which had met with the acceptance of his hon. Friends the Member for Cork (Mr. Maguire) and the Member for Mayo (Mr. G. H. Moore), who had been for years the prominent and trusted advocates of the tenants' cause. Never yet had there been such a chance for the settlement of the question. The Liberal party had now a large and compact majority, with a powerful Minister at its head; but as large majorities and as powerful Ministers had been suddenly broken up. From the accounts in the papers of the Conservative banquet of the night before—it would seem as if hon. Gentlemen opposite were of opinion that something of the kind was likely soon to occur, for the chairman on that occasion remarked that the duties of the Conservative party for the present were to protect the Ministry against the pressure and incursions of the "Left." If, then, anything did occur to prevent the passing of a Land Bill, how great would be the responsibility of those who aided in bringing about such a result! He would venture to say that if the Irish representatives returned to Ireland at the close of the Session with no message of peace in the shape of a Land Bill, a state of things still more disastrous, more miserable, and more intolerable even than that which now existed would have to be encountered. Holding these opinions, it would, he thought, be most ungraceful and ungrateful not to give the Government full credit for anxious and sincere desire to place the tenure of land in Ireland on a more satisfactory basis; to establish security where insecurity exists; to produce content where widespread discontent prevails, and to replace the reign of terrorism by the reign of law. Even the Members who had spoken in opposition to the Bill had given the Government full credit for having these objects in view while framing the present Bill. Some hon. Gentlemen opposite had said that further inquiries into the subject ought to precede legislation; but they had had inquiries enough from the days of the Devon Commission, and now had come the time to give effect to these inquiries. A document had recently been presented to the House, the Reports of the Irish Poor Law Inspectors, in reply to a number of queries sent out by the Chief Secretary, and he would venture to say that there could not be found one man of common sense or of common feeling who could read those documents unmoved, or fail to be convinced that the time had come when the bad landlord should be compelled to do that by force of law which the good landlord did by force of duty. The Reports to which he referred stated, he was happy to say, that, as a general rule, the landlords of Ireland did their duty honestly by their properties and leniently by their tenantry. No documents which had yet been published would, he believed, do more to right the Irish landlord in English estimation than these impartial Reports. They, at the same time, unfolded tales of widespread insecurity and discontent, and revealed instances of harshness and oppression unchecked and unpunished. Outrage was thus generated. Once commenced in a locality, it spreads like an epidemic—the innocent as well as the guilty landlord were involved in the universal feeling of suspicion and dislike—and that being the state of Ireland at present, it was absolutely necessary that not another Session should pass without an alteration of the whole state of the relations between landlord and tenant in that country being effected. The spread of education was another cause of that necessity. There was not a single act of alleged harshness and oppression that did not find its way into the Press, where, in too many cases, it was magnified and distorted. These comments were read in every cottage, and secret societies were formed to obtain by violence that remedy which the law was impotent to give. This state of things involved all the landlords of Ireland in the common feeling of dislike and distrust towards a class in which many grave acts of injustice and oppression had their origin, and no portion of the community had a greater interest than the landlords to alter this state of things, which was a scandal to England and a misery to Ireland. If, then, while accepting the principle of the Bill—which was to give security to tenants and to enable them to purchase the fee-simple of land—he (Mr. Gregory) could effect the main object of the Bill by a more broad and simple mode of treatment, he hoped he should not lay himself open to the imputation of a desire merely to cavil and find fault. He would have wished to have taken the whole Government measure without the alteration of one jot or tittle as loyally as they had accepted the Church measure of last year. In that case there was only one broad principle of dealing with the question, and on that principle the First Minister of the Crown determined to stand or fall. The Irish Members took him at his word. While that great measure was on its voyage they never suggested a stay or alteration in its course. On the present occasion the Minister had acted differently. He had invited them to criticize the measure, and to bring to bear on it the result of their knowledge and experience. The Irish Church could only have been dealt with in one way; the land question could be dealt with in various ways. If he could propose a settlement which, in his humble opinion, would be quite as much for the interest of the landlord as of the tenant—which would be more broad, more clearly defined, and more easily comprehended by simple minds, and more uniform—he thought it would not be considered presumptuous to bring it forward. Since the introduction of the Bill he had been inundated with letters from his constituents, from priest and squire and tenant, and he felt bound to say that they all complained that its provisions were too complicated. The Judges of the land in Ireland complained that they were puzzled by its intricacies. Even the Solicitor General for Ireland, in his speech, in order to explain it, was obliged to go backwards and forwards, mitigating, expanding, and colouring one clause by the aid of some other clause or clauses. *The Times*' writers seemed equally puzzled as to the purport of what they call the "mystical eighth clause." The hon. Member for Mayo had characterized the Bill as a "mighty maze," though not "without a plan," and he himself (Mr. Gregory) was reminded in dealing with it of the famous house of Dean Swift, which was built on such fine mathematical principles of compensations and adjustments, that when a sparrow perched on one of the gables, he overthrew the equilibrium and brought the whole fabric to the ground. In dealing with a question so vitally interesting to a simple class of men, it was necessary that the measure should have three qualifications. It should be simple in its provisions; it should, secondly, avoid all incentives to litigation; and, thirdly, it should be uniform. If it were not simple, it would be suspected; if it led to litigation, it would lead to new resentments between landlord and tenant; if it were not uniform, it would give rise to the supposition that one part of the country were placed on a better footing than the rest. He (Mr. Gregory) wanted to hear nothing about either Southern or Northern tenures. He wished to avoid all attempted definition of Northern tenant-right which varied in every county, barony, and even on some estates. He should wish for one broad enactment, covering Munster as well as Ulster, and creating no distinction between the North and the South of Ireland. There were some proposals which he would now lay before the House for the objects he had in view. He had recently submitted these proposals to the Irish delegates of the tenant-farmers at their meeting in London, and had asked them whether, if adopted, they would be a complete and final settlement of the land question in Ireland. The answer was that they would, and that, if they were adopted, the land question would never be heard of again in that country. It was important that the House should know what the people really wanted. Perhaps their demands might, on grounds of public principle and justice, be thought by the Government too great to be satisfied; but it was well to know and thoroughly canvass these questions. First of all he proposed to the delegates—and the sketch was a very broad one, dealing with principles and not going into details—that a Land Court should be constituted; the present rents throughout Ireland to be accepted as the basis of settlement; that the landlord might come before the court and allege exceptional circumstances as a ground for raising rents, while the tenant might go before the court to impugn exorbitant rents; the court in both cases to settle rents by arbitration or valuation. It might seem a grave thing to interfere with rents. He (Mr. Gregory) never contemplated a general re-valuation which, in many cases, would be anything but favourable to the tenant; but if there was one thing that created soreness and irritation, it was the exorbitant rents levied at this moment upon certain properties in Ireland. He would mention two or three instances. He had sold a property in the Encumbered Estates Court at an early period after these sales began. He had made no stipulation, and gave his tenants no leases, for he had never been asked for any, and had never thought about the matter; and the result was that those tenants had had their rents doubled on some of the townlands, and, in some instances, more than doubled. These poor people were now existing—existence was the only word for it; they were hardly living—and were ruined. Still they were clinging to their holdings; everybody knew that an Irish tenant would do anything rather than quit his holding, and this fact made a strong impression upon him. Speaking of the West of Ireland, Dr. Brodie said—

> "Many of the purchasers in these courts were land agents or deputy agents, farmers, shopkeepers, and attorneys. Some few were theorists. Many more were speculators. The eager desire to become proprietors of land for social distinction, profit, &c., induced men to purchase more than they could pay for, and loans became a necessity. One of this class of purchasers, in my district, borrowed £20,000 from an insurance company. With the speculative purchasers increase of rents, as far as could be borne, was made to provide for interest on cash and loans, and for the discharge of debts incurred. Under purchasers of the description mentioned evictions or exorbitant increase of rents ensued."

There had been such cases in many parts of the county he represented; but there was another instance of still greater importance, mentioned by Dr. Roughan, as to the estates of the Law Life Insurance Corporation—

> "The Ballinahinch estates, the territory of the Martins, have been purchased by a wealthy London corporation. The rents at the time of the purchase, as I am informed, amounted to £8,000 or £9,000 a year. One-third of those estates so purchased, or more, has since been resold to different parties, and yet the tenants on the remaining unsold portion now pay a rental of some thousands a year in excess of the rent paid in the first year of the purchase on the entire estate. (It was stated at a recent trial, that the rental was even now £14,000 a year.) Nevertheless, it appears that the tenants on the lots which were sold by this corporation have suffered severely by the change of ownership, inasmuch as numbers of them have been evicted, and the rents of those remaining have, in some instances, been raised from 40 to 100 per cent."

With regard to the proposal to interfere with the rents, he would read a few lines taken from the last letter of *The Times*' Commissioner, who said—

> "It is idle to say that this would be introducing a novel principle into the Bill; for, in many cases as it now stands, the Courts will be obliged to fix rent; and it proceeds, as Mr. Gladstone avows, upon the assumption that, in numberless instances, the Irish tenant is not in a position to contract in an independent manner with regard to rent and other particulars."

He would now return to the proposals he submitted for discussion. The next in order to those he had already read was, that at periods to be fixed in the Bill rents should be revised at the option of the landlord or tenant, such revision to be based on the average, during a certain number of previous years, of the local prices of agricultural produce. Improvements made by the tenant would not, of course, be estimated in such revision. That would be the fairest way of settling rents, for the average local prices of produce might easily be ascertained at the market town of the barony, and collisions between landlords and tenants might thus be avoided. The last and most important proposal was this—"A tenant may sell his goodwill in all cases, whether of eviction or of voluntary departure from the farm. Landlords to have a veto on reasonable grounds against the tenant offered by the outgoer. Arrears of rent to be paid out of the price of goodwill. Landlord to have right of pre-emption. Tenants to be evicted only for statutory causes, namely—non-payment of rent, subletting, and ill-treatment causing exhaustion of land." To that he would add as a cause for eviction the commission of any serious crime not political. There would be no more beneficial provision in the Bill than that a tenant should know that, if engaged in any crime, he would be liable to immediate eviction. Such a provision would be the means of putting down crime most effectually in parts of Ireland. He was acquainted with a case in which it was brought home to a well-to-do farmer in his neighbourhood that he and all his family for years had been stealing the sheep of his neighbours. Ought a landlord to be called upon to pay that man for disturbing his occupation? The Judge would probably say "No," on the ground of "unreasonable conduct"—the words used in the Bill; but it would be infinitely better that the law should pronounce decidedly upon the point. Another proposal of his was that mere grazing farms should not come under the operation of the Bill. This was a matter on which the Irish people had a stronger feeling than on almost any other connected with the land. The House was basing its legislation on justice and expediency; but neither justice nor expediency demanded that compensation should be given to mere graziers for their occupation of a large tract of grazing land. What right had a man to expect compensation for disturbance of occupation when he had not invested a single farthing in his holding, which was endeared to him by no recollections, and from which, when he had received a year's notice, he could drive his bullocks and put the money in his pocket? It was stated the other day that in certain counties land valued at £70,000 a year was held by graziers, some of them living in Liverpool. Now, in case any landlords chose to put these large grazing tracts under tillage, erect farm buildings and introduce tenants, were they to be fined £140,000 before they could recover their land and replace brutes by human beings? He had received a letter from a friend who was abroad, and who said—

> "When I came into possession of part of my property, which is all grass land, and which except round the house cannot be called demesne land, I was not in a pecuniary position to stock the lands myself, so I let them from year to year, with the view of ultimately taking them up and farming them, which I should do as an occupation in the event of my living in the country. They are let at a low rent, and all fencing and improvement required has been done at my expense, or allowed for to the occupier, so there can be no claim for improvement; but if this Bill passes in its present form, I shall be reduced to the alternative of either paying two years' rent for possession of the land, or, living in the country without an occupation, become a mere rent-charger. Some of these lands have only been in possession of the tenant two years, and none of them for more than five; therefore, if I want to take them up, I am in this position — that I would have let the five years' holding for three years' rent, and the two years' holding for no rent at all. If there is no change made in the Bill, my present tenant will become virtually the landlord, without the odium attached to the name, and I must remain a wanderer on the face of the earth, and be taxed perhaps hereafter as an absentee."

Those should be provisions of the legislation which he (Mr. Gregory) would propose as the final settlement of the Irish land question. He was fortified in making this proposal, because, on turning his eye to one part of Ireland, he found these principles to some extent recognized. There content and harmony prevailed between landlord and tenant, rents were higher regarding the inherent quality of the soil than elsewhere, and larger agricultural returns were obtained from the soil, owing to the security which permitted an outlay of capital upon it. An hon. Member the other night quoted Mr. Thompson's pamphlet, who described the state of the North of Ireland as one of "armed peace," and the hon. Member said it was an armed peace between landlord and tenant. It was no such thing—it was an armed peace between foolish people of two denominations, who were quarrelling and cutting each other's throats on the ground of religion. There was no ill-feeling in Ulster between landlord and tenant, though there were widespread apprehensions in Ulster that this Bill permitted their custom to be restrained. Extend then, with this example before you, this principle, and improve upon it. The extension he proposed would cover the case of Ulster, as well as of the rest of Ireland. The complaint of the representatives of the Southern and Eastern and Western tenants was that evictions may still go on although divested of their former cruelty, but still they may go on; for there will always be found persons with capital to stand behind the landlord, to pay the compensation for disturbance and improvements, and to give increased rents. Surely the immense sums given for Ulster goodwill, even with high rents, confirm this argument. The Ulster representatives on their side state that the value of the tenant-custom may be rendered nugatory to the tenant by an arbitrary increase of rent at any moment. His (Mr. Gregory's) proposal would cover both these cases. Even in *The Times* it was admitted that unless the question of Northern rents were dealt with the whole tenant-custom of the North might become a farce. He had recently received a letter from a gentleman known to the Prime Minister, he was chairman of Lord Waterford's tenants in Londonderry, and had been lately to England about the purchase of the property by the tenants; this gentleman (Mr. Robert Macrory) after speaking in the most enthusiastic manner of the reception given him by the right hon. Gentleman (Mr. Gladstone) said—

> "I do hope Mr. Gladstone's Bill may not be opposed, as it would allay all angry feelings now existing, and does not in any degree interfere with rights of landlord wishing to act fairly by his tenants."

But Mr. Macrory, from his practical knowledge of the value of the tenant-custom of the North, adds this very significant sentence, which is precisely what he (Mr. Gregory) wished to carry out for the rest of Ireland—

> "There is one omission in the Bill. I would suggest it has always been the prevailing custom to give the tenant the right to sell his interest, of course satisfying the landlord with the tenant

who supplants him. The purchase given insures solvent tenants, and induces them to keep their farms and houses in an improved state. When this is not done I observe the reverse, the landlord wishing to keep the tenants in a servile and dependent condition."

Almost every one who had spoken had a fling at the tenant-custom, and English Members deprecated its extension throughout Ireland; but facts were better than theories; and though it might be contended that, theoretically, Ulster usage was conducive to bad farming, the testimony of those who spoke from experience arrived at a totally different conclusion. Each of the Reports of the Poor Law Inspectors on this subject showed that where the Ulster tenant-right was recognized in Ireland there was perfect content on the part of the tenant, great improvement was going on, and the landlord felt secure as to his rent. Dr. Brodie, in his Report, said—

"I could select examples from the counties of Galway, Roscommon, and Leitrim, where the more indulgent landlords testify, under their own hands, that they allow their tenants continuous and undisturbed occupancy, or the right to sell the 'goodwill' of their holdings. The recognition of the occupation-right of the tenant, irrespective of improvements, is far and away more important in the eyes of the tenants, and more conducive to contentment, than any measure of compensation."

Dr. Knox's testimony as to the successful working of the Ulster custom in the great tenant-right counties of the North, was most valuable; but even still more valuable were the testimonies of the other Inspectors, showing the immediate effects produced in other parts of Ireland, wherever this custom was adopted by the landlord. The hon. Member for Kilkenny (Sir John Gray) had already quoted from Mr. Robinson's Report as to the effect which the introduction of the Ulster custom had produced on Lord Portsmouth's estate in Wexford. These are the words of Lord Portsmouth's agent on the application to his Lordship's estate of tenant-right—

"It has inspired with confidence and energy the agricultural tenants, who have changed badly cultivated patches of land into fine farms, now well cultivated and well drained, on which they have erected, at considerable expense, suitable, substantial, and, in many cases, costly residences and homesteads, with all the necessary requirements for good farming. This has all been done without any outlay on the part of the landlord. Enniscorthy has been changed from a mere village of mud hovels into an important well-built market town. All this has been done by Irish tenants on the faith of tenant-right having been accorded to them. The rental has increased to more than double, and is now punctually paid instead of being irregularly paid."

The provisions which he had sketched out might seem grave innovations, but every single principle in them was more or less recognized by the enactments of the Bill. He (Mr. Gregory) saw in it a desire to restrain excessive rents; he saw a desire to extend the practice of the sale of goodwill; he saw a desire to give continuity, if not perpetuity, of tenure. Let them only carry out these objects clearly and at once, and there would be an end to the landlord and tenant question in Ireland. Of course, it would be said that this was adopting a novel principle of dealing with property in Ireland, which would be contrary to all the received maxims of dealing with property in England and Scotland. But the whole Bill was an acknowledgment of the difference of Irish ideas from those which prevailed in England and Scotland. Were we prepared to give English and Scotch farmers seven years' compensation for disturbance, to allow English and Scotch farmers to plead excessive rents against ejectment, or to give to Scotch and English farmers compensation for improvements executed during the last twenty years? You abandon the great principle of mutual contract, which is the basis of English and Scotch tenure; and therefore the extension of the Bill up to the point proposed by him was a mere question of expediency, and not of principle. No doubt there were other very strong arguments against his proposal. It would, of course, be said that it was not possible to create a custom which he (Mr. Gregory) proposed to do, and that the present Bill only recognized customs when it found them. It would be said that it was a great injustice to give the tenant a property in the estate of the landlord without compensation to the landlord. It would be said that it would be hard on the good landlord who had kept his rents low, and be favourable to the bad who had kept them high. He acknowledged the force of these objections, and he would ask whether it would not be possible to allow a compromise by which a landlord voluntarily accepting these conditions might oust himself from the operation of the Bill. In that case the landlord would accept the custom, would grant the share of property to the tenant, and would be enabled to make arrangements as regards rents with the tenants, which would obviate the last objection. He (Mr. Gregory) would do so himself to-morrow; he would say to his tenants—"I give you the benefit of all the provisions I have sketched, and I oust myself from the operation of the Bill." In doing so he would not regard himself as a mere lounger or annuitant, he would still have deep interest in watching over his property, and the same old friendly intercourse with the tenants would remain. No doubt by this Bill every landlord would become more or less an annuitant; but under the system which he proposed, he would at least be an annuitant with an annuity, while under the Bill he might be an annuitant without one. He thought that the Bill, so far as the landlords were concerned, either went too far or not far enough. He himself would wish it to go further. There was a passage in a French play which was apposite to the position of the landlords. A gentleman makes a warm declaration to a lady who replies that she cannot give the fixity of love, but only the security of friendship, and the gentleman's answer was—

> "Madame, votre amitié est trop ou trop peu."

And such was the sense of many letters which he had received from landlords of his county on the subject of the Bill. It was too much or too little. A plan like his, however, would get rid of all litigation for the recovery of rent which he feared would be inevitable under the Bill. It would get rid of the litigation as to improvements. The tenant would have every inducement to invest capital and labour on his holding, because he would get increased value for his farm should he have to leave it. The landlord, moreover, instead of being inflexible, as the Bill compelled him to be, would have power to show indulgence to a tenant in difficulties, because he would know that if the man were honest and hardworking his position might next year, with a good harvest, be redeemed, and if not the rent would be secure from the proceeds of the goodwill. It was something to do a thing in the way a whole country wished it to be done. All Ireland understands the principle of Ulster tenant-right, and all Ireland apparently cries aloud for its extension. As Mr. Drummond once said—and he knew Ireland well—"to succeed in Ireland is not merely to do a thing, but it is the way in which a thing is done which brings with it success or failure," and the instinct of every Irish farmer pointed out that this was the plain and simple mode of doing at once, what it was clear the Bill contemplated to do hereafter. He (Mr. Gregory) hoped that Irish landlords on the other side of the House would join with him in asking for this final settlement. It was far better to put down one's foot and to find bottom than to flounder about amid continued agitation, continued discontent, continued causes of difference, and continued terrorism. The state of Ireland was fearful. The whole of the bonds of society there seemed to be breaking up. They heard rumours that measures of repression were about to be proposed for that country. If it was really necessary to bring forward measures of repression, how much better it would be to have the whole agricultural population ranged on the side of law and order, as he believed would be the case if the suggestions he had made were adopted! He was convinced, indeed, that if a Land Bill were passed which met the general approval of the Irish people, it would be the best Coercion Bill they ever could enact, and no repressive measure at all would be required. With respect to the purchase of land by the tenants, that was a subject to which he attached the greatest importance; and the provisions relating to it he regarded as one of the most important parts of that Bill. On looking over the statistics laid on their table that morning he found that there were 680,000 holdings in Ireland, of which only 22,217 were held by the owners in fee. That, he thought, was an unfortunate state of things. It would be infinitely better for Ireland if there were more gradations in society, and if, besides the great landowners, they had more farmers in possession of land in fee. It had always appeared to him one of the greatest evils of that country that the great mass of the agricultural population should be divorced from the ownership of the soil. The arguments against the proposal for assisting tenants to become proprietors had generally come from the other side of the House. One hon. Gentleman had objected to it because its operation would be partial;

but surely that was rather an argument in its favour. It would be a great misfortune if all the land in Ireland were bought up and occupied by small farmers. Again, it was said that the system of *petite culture* had proved a failure; but under the operation of that Bill the system of *petite culture* was not contemplated. The farms to be sold to the tenants would, probably, consist of a considerable number of acres on which a man would be able to have stock and feed it. Further, it was urged that the tenant would probably be unable to pay the addition to his rent incident to the plan for making him the owner of his holding, and that there would be great trouble in collecting the advances from him. Now, he thought the period allowed for repayment should be extended, so that the rent-charge might fall lighter on the tenant. The same system might be adopted as was practised under the Land Improvement Act, and the tenant should have the option of repaying the purchase-money of his farm in thirty-five years, at 5 per cent interest, instead of in twenty-two years at 6½ per cent. That would greatly alleviate the burden to him. Men who had paid one-third or one-quarter of the purchase-money down would make every exertion to clear off the remainder; and, knowing the position in which they stood, their friends would always be found ready, if necessary, to assist them. He himself sold some land in the Encumbered Estates Court, and certain of the tenants, having some money, said they would like to purchase their own holdings. They had about one-third of the value of the farms, and they expected to be able to repay the whole in four or five years. His agent became security at the bank for the remainder. Every farthing of the purchase-money was repaid within two years; and those persons were now thriving honest men, and among the best and strongest farmers in the district. That was an example which he could quote from his own experience. He was astonished at the arguments against that system all coming from the other side of the House, because if there was one thing more conservative in its tendency than another it was the possession of land by a number of people; while if there was one thing more revolutionary in its tendency than another it was the concentration of land in the hands of a few great proprietors, and the impossibility of the people owning moderate portions of the soil. In conclusion, he would say that in opening up a new discussion it was not with the slightest intention of impeding the Bill, to which, if certain Amendments could be added, he wished God speed with all his heart. He trusted that the Government would consider well his suggestions, knowing, as he did, that if they accepted even some of them, how gratefully the Bill would be received by the whole people of Ireland, instead of with murmurings as at present. He had recently come from the East, and the track along the Desert which he traversed was marked with skeletons. The path of his right hon. Friend the Chief Secretary for Ireland was marked by the skeletons of former Land Bills which had failed to make their passages and had perished by the way. It should not be on his conscience that by any act of his the bones of this Bill should also whiten in the wilderness.

Lord ELCHO: Sir, after listening last night to the speech of my right hon. Friend the Member for Liskeard (Mr. Horsman), and also this evening to the speech of the hon. Gentleman who has just sat down, my memory goes back a few years, and a flood of varied recollections comes over me. I congratulate my right hon. Friend at the head of the Government on having obtained the hearty, cordial, and ungrudging support of my right hon. Friend the Member for Liskeard for this measure. My right hon. Friend last night made, if I may so call it, his baptismal cry—it was his first speech in this House since he passed through the baptism of the Dissolution; and when I heard him, without any criticism of any sort or kind, praise the Bill of the Government, the conclusion I came to was that his regeneration had been by total immersion. My hon. Friend the Member for Galway (Mr. W. H. Gregory) told us that he had lately returned from the East, and that his path there had been marked by skeletons—not the skeletons, I hope, of his former sentiments. I had read that in his pilgrimage he visited the residence of the ancient poet-king of Israel, and there renounced independence and all its works, on his knees; but I am glad to find from his speech this evening that, after all his roving, he still retains this amount of independence that, while giving his cordial support to the second reading of this Bill, he does not fail not only to criticize it, but to produce what is to some extent a rival scheme to that of the Government. For myself, I am not an Irishman, or an Irish proprietor, and I cannot profess to speak as one conversant with Irish habits or ways. Therefore, I do not attempt to discuss with my hon. Friend (Mr. Gregory) the rival measure that he has laid before us. I should not have ventured to obtrude myself in this debate were it not that, as a Scotch Member, I see in this Bill principles so novel, so sweeping, so revolutionary in their character, so totally opposed to anything we have ever seen in the shape of legislation up to this time in this House, that I feel bound to enter my independent protest against them. Do not let it be supposed that I am hostile to legislation. I agree with my hon. Friend (Mr. Gregory) in thinking it necessary that this question should be settled speedily, in the interest of both landlords and tenants. A measure on this subject became necessary when it was reported by the Devon Commission as being so; it became inevitable when Bill after Bill — the "skeletons" of which my hon. Friend has spoken — was brought into this House, and when my right hon. Friend at the head of the Government said, with his enthusiasm and eloquence, on taking the reins of power, that this was one of the questions for the settlement of which he went into Office. But for myself I will only further add that there is no man in this House who more heartily sympathizes with the concluding passage of my right hon. Friend's speech, in which he expressed a hope that this Bill would produce blessings on Ireland. I am sure there is not a Member of this House who, however he may criticize the provisions of this Bill, does not heartily wish that in this Session we may at last bridge over the Irish difficulty, and bind the Irish people to us by ties stronger than those of law and empire. But I think we should approach this question undeterred by agrarian outrages from going liberally into the subject of tenant-right, and uninfluenced by the exaggerated language or the confiscating views of some of those who advocate the tenant's cause. On the other hand, we should not go into this question in any way scared by that Fenianism which has of recent years sprung up, or beguiled by the eloquence of my right hon. Friend. The Chief Secretary for Ireland has pointed to what was the state of things four years ago, and he said a great advance had since been made. Sir, I should like to go back four years—to the time when there was in this country a Minister as powerful and as able as my right hon. Friend, who had besides the advantage of being an Irish proprietor with a well-managed estate. He epitomized this Irish question in the most pithy way by saying that "tenant-right was landlord-wrong." We ought to look at this Bill from a landlord's as well as a tenant's point of view, and we ought to see what there is in this Bill that comes under the head of "landlord-wrong;" for there are in this Bill principles which, to a certain extent, do wrong to the landlords of Ireland. I am told that the provisions of this Bill will lead to the growing up of tenant-right, under certain circumstances, after it has been bought out by the landlord. I know that view is taken by some Ulster landlords. With regard to the whole question of tenant-right, it must appear to persons on this side of St. George's Channel as being a matter which it would be very questionable policy to stereotype in a country, especially when a person who is acknowledged to be one of the best Irish landlords (Lord Dufferin) has bought up the tenant-right on his estate, because he thought it inconsistent with the proper and beneficial management of the land. I am told that the abuses of that system are carried to such an extent that on the estate of the Marquess of Waterford, in the North of Ireland, forty or fifty years' purchase is given for the land. We may guess what a miserable existence must be that of the tenants, and how deeply indebted they must be to those of whom they borrow the money. To a stranger looking at this question, it appears to be a landlord-wrong that, as to claims for compensation, you should throw upon the landlord the *onus probandi* that he has made the improvements. I can understand its being required that by one or the other the proof should be given; but I cannot understand that it should be thrown wholly on the landlord, especially when, as regards buildings and the reclamation of land, there is no limitation of time. As far as the provisions of the Bill go, there is no such limit, and you might go back to the Deluge, which was, I presume, the time when land began to be reclaimed. Again, the provisions as to cottiers appear to me to be a landlord-wrong, because the Bill enables tenants, but not landlords, to give land to cottiers. With regard to purchase, if the House wishes to lend money to enable tenants to buy estates, I should be the last person to object. Parliament has lent money to landlords to enable them to drain their property, and on the same principle money might be lent to tenants to enable them to purchase estates when they can do so. But I am told that if an Irish proprietor has a mortgage on his property, the mortgagee or bondholder can force him to sell in the Encumbered Estates Court, and if the tenants choose to combine, they can force him to sell at any price which they may offer, for no one else dare step in and bid more money. These are points which appear to me to be deserving of consideration in Committee on this Bill. But there is another point. What will be the effect of this Bill, not only upon Irish, but also upon English and Scotch landlords? It will affect property of all kinds, whether funded or landed, and it will affect employers of labour. Again, it interferes with contracts and gives compensation for what is called "disturbance;" and to these two points I wish to direct the attention of the House. The question of contracts divides itself into two parts—you forbid contracts and you regulate them. To forbid contracts appears to me to be a novel principle, and one which goes directly in the teeth not only of recent legislation, but of legislation which we are promised this Session. In coming here to-night I passed the house where for two years I sat on a Commission for inquiring into Trades Unions; and that Commission unanimously came to the conclusion that, in these days of free trade and free contract, it was not right that any class of men should be prevented from combining to get what they could, and to make their bargain with their employer; and a Bill, embodying, I presume, the views of that Committee, is to be brought forward in this House. How can my right hon. Friend reconcile the principle of forbidding agreements in this Bill, with the principle of free contract in the other Bill which is to come before the House? The Secretary for Ireland gave us a gauge upon this question; he said that four years ago there was not any such proposition, but we have made a very great advance. Again, as to the regulation of contracts. The Bill proposes to regulate the length and the terms of leases and the rent, and, adding to that the clauses relating to disturbance and to ten-acre holdings, the Bill really gives what the extreme party in Ireland want—fixity of tenure, with rents regulated by the Government. I believe that no Scotchman, except myself, has spoken in this debate; and I am therefore curious to know what the Scotch Members, who support the Government, think of the regulation of contracts. In what does that regulation consist? You regulate the length of leases, and say that in some cases they are to be for thirty-one years, in others for twenty-one years. A thirty-one years' lease is to cover this, but not to cover that, yet a twenty-one years' lease is to cover almost everything. Among the matters which a thirty-one years' lease is not to cover is the reclamation of land; and I should like to know what my Scotch Friends can say of that. In the first place, I think they would not like thirty-one years' leases by way of trying to raise in Ireland a condition of land tenure similar to the conditions in England and Scotland. But if they do not like thirty-one years' leases, how do they like leases that do not cover the reclamation of land? Every Scotchman, and almost every man who has ever crossed the Tweed, well knows the prosperous state of agriculture in Scotland, where the heather is being reclaimed and giving way to turnip crops, oats, and wheat. The extension of hill-side cultivation in that country is due entirely to the system under which nineteen years' leases cover all such improvements. I hope this matter will come home to the Scotch Members when we go into Committee. The right hon. Member for Liskeard said he could not conceive, either on the ground of expediency or on any other ground, that the effect of the clause under similar circumstances could be different in the two countries. But you may have similar results with totally different circumstances. Upon what does the limitation of agreement in Ireland rest? Upon the poverty of the tenant, upon the impossibility, from his hunger for land, of his making a proper bargain with his landlord. I remember that last year a Bill on the subject of the Game laws was brought into this House, and that Bill interfered with contracts between landlords and tenants. I heard the argument used by an Officer of the Crown that the competition for land in Scotland was so great among the agriculturists, who can farm thousands of acres and pay thousands of pounds in rent, that the law of hypothec (or the law of distress) and the Game laws ought to be altered, because the parties were not in a fair position, owing to that competition, to make a bargain. You may have in the two countries circumstances which are materially different, but lead to precisely the same results. If you apply the principle of regulating contracts in Ireland between man and man, and thus interfere with political economy, there is no earthly reason why you should not have the same principle applied elsewhere; and only yesterday I congratulated my hon. Friend who brought in that Bill. on the Government having adopted his principle, and applied it in their Irish land measures. It is another of those questions which did not exist four years ago in the Bill which, according to my right hon. Friend the Chief Secretary for Ireland, was drawn up by the firm friends of Ireland in that day. But, Sir, "we have made a great advance." The other point to which I will refer, as objectionable in principle in this Bill, is what is called compensation for disturbance. Now, in the legislation of this country this principle is as novel as the principle of the State interfering with agreements between landlord and tenant. The extent to which this principle goes has been pithily described by my right hon. Friend when he said—"This Bill will prevent a man from doing what he will with his own." It may be a right principle; but it is at least a new one. For what you propose is this—If a man, for any reason, with a view to the improvement of agriculture, with a view to adding to his own farm, or to his grounds, or for any other purpose, wants his property, he has to buy it back at seven years' purchase. I heard a discussion at my house the other night between two gentlemen, both of them in favour of this clause on the whole, but one of them doubted whether it would work well, because a rich tenant might go and offer the landlord seven years' compensation for the farm which a poor man possessed. And what was the answer? It was this—supposing a small farm of ten acres at £1 per acre; the person who wished to get it would have to pay £70 in the first place for disturbance; there would, perhaps, be £30 more as compensation for improvements, and then to my surprise I heard that it would take from £30 to £40 more to clear away the fences. What a state of agriculture that must be where on ten acres it would take £30 or £40 to clear away the fences! And that is the state of agriculture which you wish to stereotype and perpetuate. I heard last night, in a speech of my right hon. Friend (Mr. Horsman), a very graphic description of two contracting parties, in which the one went about with double-barrelled guns, while the other crept behind a hedge to shoot him. What must have struck every person when he heard that account was, what a shame that such a scandal should be suffered to exist. If you have not maintained law and order in Ireland; if you have not given that security to life and property which is the prime cause why Government exists, and therefore you say the whole law of contracts, and of the relations between landlord and tenant, is to be interfered with; it seems to me the most monstrous argument I ever heard uttered in the House of Commons. With reference to this compensation for disturbance, I want to know where it is to stop? There has been a great deal of "disturbance" proposed by the Secretary of State for War the other day. He is disturbing the officers of the Army, and yet he did not seem inclined to give them seven years' compensation. But there is another class. As to the rich class of officers, like the landlords, my right hon. Friend may come down on them; but there is a poorer class, a class somewhat in an analogous position to that of the tenants in Ireland, and that is the soldiers. How did the soldiers that you are dismissing now enlist? For twelve years, with the power of going on for nine years more, and at the end of the twenty-one they were to be entitled to a pension. But they are liable to be dismissed at any moment if the Army is reduced. And now my right hon. Friend, with the view of helping the Chancellor of the Exchequer to a surplus of £5,000,000, strikes off 12,000 men with a sweep of his pen, at a time when there is great distress in the country, at a time when the papers are full of various schemes of emigration, which have found their way into this House. These men had a prospect, after twenty-one years' service, of 8*d.* or 1*s.* a day; but my right hon. Friend strikes them off without any compensation. But if you give compensation in the one case, why not in the other, more especially when there is this stronger claim in favour of the soldier, that the soldier, whom you send away uncompensated, is a shootee; while the tenant in Ireland, to compensate whom you are going to violate all the principles of political economy, is a shooter. I say these are very wild doctrines which have found their way into this Bill, and again I apply the gauge of the right hon. Gentleman the Secretary for Ireland—" They were not in the Irish Land Bill four years ago, but we have made a great advance since then." And why? I can attribute it only to two things. I look upon these features in the Bill as the product of what I may call sentiment with saltpetre —that is to say, I believe that my right hon. Friend, with his warm heart, kindly feelings, and impulsive nature, has been carried away by the wild deeds that have been done in Ireland from the sound views of political economy which he imbibed under Sir Robert Peel, and that he thinks he is doing a kindly act to those men by establishing principles for their sake which ought never to have been mentioned in this House, and which I hope will not be found in this Bill when it is read a third time. Now, any views of my own I naturally felt would require corroboration, and, therefore, I did this, and I think my right hon. Friend will admit that the opinions I have got are sound. I sent one copy of the Bill to a well-known, first-class Edinburgh lawyer, quite conversant with the management of estates. I sent another to a country solicitor—what we call a writer — in one of the most agricultural counties in Scotland, who does more business with farmers, perhaps, than anybody else, and who is thoroughly conversant with everything connected with land. And lastly, I sent a copy to a gentleman, a Scotch proprietor, conversant with the management of land in Scotland, and who has also had the management of land in England. I said to these gentlemen—" Look at this Bill, at the principles you find in it, and give an opinion as to what you think." If the House wishes I will read the opinions I have received, because I think them the most valuable that can be got. The Edinburgh lawyer says—

> " There is danger of legislation for the exceptional state of things in Ireland, that it should familiarize men's minds with a state of things between landlord and tenant that would be destructive in England or Scotland. The landlord is not to be left really proprietor of the land, but the 'court' is to take the part of proprietor. The bondholder is ignored. Rules issued by the Privy Council may protect him, but the Bill does not; landlord and tenant and court agree upon a price which may be insufficient to meet the claim of the mortgagee. The preference given to the charge of annuity of £6 10*s.* per cent on the land for money advanced by the Board of Works for improvements, &c., is an unjust provision for mortgagees."

The country solicitor says—

> " May be land has been let at low rent in consideration of the tenant making improvements, or other such cases, but this is a compulsory power on the owner to make compensation without usage or contract, or without it ever having been contemplated by either party during the contract—it is a violation of the law of contracts; an entirely new principle in jurisprudence. This legislation for the future, according to certain fixed details only, is a violation of the rights of property, of the rights of the public, and a direct interference with the principles of free trade. The results would be injurious in a general sense. Altogether, the subjects for which compensation are allowed are too varied and undefined; rights of free trade are violated, contracts treated as waste, and the law upset."

The Scotch proprietor, who has also had the management of land in England, says—

> " The first consequence will be to sow broadcast over the land the seeds of universal litigation, embittering instead of smoothing over the hostilities between landlord and tenant; hostilities which it is the direct interest of the lawyers and priests to keep awake. The machinery will probably be found inadequate for the vast mass of disputes that will come before it, and at the end of a few years we shall find the courts choked with work, discontent as rife as ever, fresh litigation necessary. The case being desperate, the remedy must be extraordinary, but any direct violation of the rights of property in land must in the end intensify the evil. My prescription would be contract. Coerce, if you cannot persuade, all who have to do with land to make their bargains by written agreement, by putting at a legal disadvantage whoever neglects doing so. And provide proper means for enforcing such

> agreements, and for teaching the Irish, if we can, the meaning and value of legal obligation. Their perverted views on this subject are at the bottom, not of the land difficulty only, but of all the other disorders in the country."

There is one more voice from Scotland, to which I think my right hon. Friend will listen with some deference. Among the many Scotch proprietors I bethought me of one who had property analogous to that of Irish proprietors — I mean Lord Lovat. He has tenants with holdings of all sizes. I have been often on his estates, and there in Inverness-shire you see cultivation of the richest kind between some of the wildest parts of Scotland. Lord Lovat says—"I think, on the whole, the Irish Land Bill is a good one for that country under its present circumstances." [*Cheers.*] I do not say otherwise. I vote for the second reading. I said so. I object only to two of its principles; and those principles I shall take every opportunity of voting against. You might as well give compensation for a disturbance from the Treasury Bench. Indeed, I am not quite sure that my right hon. Friend had not that in view, because he has fixed for the compensation to be paid to a certain class of tenants "a sum not exceeding two years' rent," and in recent times two years has been the length of time after which my right hon. Friend has been disturbed from the Treasury Bench. Lord Lovat says—

> "I think, on the whole, the Irish Land Bill is a good one for that country under its present circumstances, but there are some points on which it might be amended. I approve tenant-right being paid by the landlord where the tenant has paid it on entry to his farm, and there it should end. A thirty-one years' lease should cover all improvements on land, building, &c. I think twenty years is too long a period to go back for improvements—ten years would be quite enough. Unexhausted manures, if allowed for at all, should not exceed three years, and be very distinctly defined, otherwise it is only opening the door for the rogue to take advantage of the honest man. I do not approve agricultural leases being longer than fifteen or nineteen years. In my experience, both on my own estates and elsewhere, I have always found more improvements made on fifteen or nineteen than on thirty-one years' leases. Improvements are always made in the first five or seven years of the lease. In all leases made after the passing of this Act landlords and tenants should be allowed to contract together."

I thank the House for having listened to these extracts; I think they are of value considering the sources whence they come; and perhaps the most valuable is that of Lord Lovat, who is a practical owner of land. But these are only the opinions of practical men who are engaged in dealing with land, and I should wish, if the House will bear with me for a moment longer, to fortify my objection to certain principles of the Bill as contrary to political economy and sound legislation by the opinions of some greater authority than Lord Lovat, whom I have quoted. I would present to the House one or two passages from speeches of a philosopher, sage, and orator, which, I think, bear out the view I am taking, and to which I would desire the attention of the House, and particularly of Her Majesty's Government. I find it stated as follows in a speech made in this House in the year 1866:—

> "I hold it is a retrograde notion in jurisprudence to pass laws to limit the power of free contract between landlord and tenant. I hold this conduction of a compulsory term into voluntary introtracts to be a blunder—a solecism. . . . All these attempts against nature, against the laws of political economy, and against that natural law which binds men by the contracts they make, must in the nature of things recoil; and the person whom you mean to benefit is injured by them. . . . . I have no doubt myself that in Ireland, more than anywhere else, it is necessary our legislation should be founded on principles perfectly broad, perfectly well ascertained, perfectly defensible upon the most abstract philosophical grounds. . . . . You cannot give up principle without encouraging those dreams of reconquering land which has been taken from them. . . . . You must take your stand upon something; that something ought to be truth, honesty, and sound principle. If it is necessary to maintain them in England, it is ten times more necessary to adhere to them with punctilious accuracy in Ireland."—[3 *Hansard*, clxxxiii. 1078.]

That, as I have said, was spoken in 1866; but in 1868 another speech was made, and I look to see if any change has come over the views which in 1866 I looked upon as being wise to a degree. In this latter speech, then, I find these words—

> "As regards the laws of political economy, I believe they are the same on both sides of the Channel. As far as the right of private property goes, I would be no party to do anything in Ireland I would not do in England. . . . .There is an oasis in the desert of politics upon which we may safely rest, and that is afforded us by the principles of political economy."—[3 *Hansard*, cxc. 1502.]

I need hardly tell the House that the speeches from which I have quoted extracts were delivered by the present Chancellor of the Exchequer. They were two very remarkable orations, and when delivered had a remarkable effect upon the House, for it was, indeed, refreshing to be drenched with so much common sense, sound reason, and political economy. I would particularly call the attention of the House to the last passage, in which the right hon. Gentleman says—

> "There is an oasis in the desert of politics upon which we may safely rest, and that is afforded us by the principles of political economy."

I regret that my right hon. Friend has left that oasis. I regret it on his own account personally, for I have a great friendship for my right hon. Friend; but I should have regretted it on the nation's account less if he had left this oasis and gone out into the desert alone with all the sins of *Hansard* on his head. But he has not done this. He has gone into the desert in goodly company, for the strongest Cabinet we have had for some years in this country has gone out into the desert under the guidance of my right hon. Friend—and where will that guidance lead them to? If we are to judge by the passage I have quoted, it can only lead to legislation for England and in Scotland similar to that which is proposed for Ireland, and it is to this that I wish the attention of the landed proprietors, whether from England or from Scotland, who sit behind my right hon. Friend; for the Chancellor of the Exchequer is a man who, I am certain, from his determination, his logical faculty, and his courage, would not have left the oasis and gone out into the desert unless he saw it would lead directly to similar legislation in England and in Scotland—for he says —"I would be no party to do anything in Ireland I would not do in England." I thank the House for having listened to me with patience. I have thought it my duty to speak out straightforwardly on this question, because I hold it to be more important at the present moment than it has been at any other time in the history of this country, that we should be careful how we deal with property. Ideas germinate fast in the present time in this country. Those who last year maintained that the way in which the House was dealing with the Irish Church Establishment would react upon England and Scotland were laughed at by the supporters of the Bill, who wished, supporting it, to dull their consciences and hide their heads in the sand in the hope of thereby warding off, or, at any rate, of not seeing, the coming danger. But what have we this year? A Motion has already been laid upon the table of the House by an hon. Gentleman from Wales, proposing to deal with the Welsh Church as the Irish Church was already being dealt with; and last Wednesday the House rejected a Bill for practically knocking on the head the Scotch Church under the specious pretence of dealing with church rates, there being no such thing in Scotland. During the debate on the Irish Church Bill it was said by some that if the House sanctioned the mode of dealing with corporate property proposed in the Bill it would not be long before private property would be similarly dealt with. The statement was combated by the supporters of the Bill; but now, after so short a time has elapsed, a measure is introduced proposing to deal with the property of individuals in a manner such as has never yet been brought before Parliament. Shall I give another reason why at this time we should be careful how we deal with property? In this country there is at this time a class agitation getting up on this question of the land. It is called the Land and Labour League. The Members call themselves, I believe, the L.L.L.'s; but, in my opinion, they ought to be styled the "Lack-Land Looters;" for what is it that they propose? It is simply that the State should acquire land, paying in State bonds, which are subsequently to be cancelled. That is, I believe, the programme of the "Lack-Land-Looters." Now, supposing you Gentlemen from manufacturing districts were to admit this principle, what would be the result? Take the case of your moneyed men—you who lend money, the bankers in this House. I want to know whether, if I borrowed money from you at 4 per cent—and it is very difficult to get it at that sum—and you, finding you could obtain 5 per cent elsewhere, called it in, I am to have any compensation for disturbance, and, if not, why not? But perhaps hon. Gentlemen may think that landed property and property which exists in the shape of money ought to be dealt with on a totally different principle. Should this be the case, I would ask the House to consider whether the time is the most fitting one at which to commence experiments *in corpore vili* upon the landlords. What I wish very much is that my right hon. Friend opposite (Mr. Gladstone), who has an influence with the people which nobody can deny, would by his influence and his eloquence effectually stamp out all this pestilent stuff. Let it be known that there are certain rules with regard to property which must be maintained; for the ultimate result of such action as I have referred to would be that Communism would rise up in this country as it has risen up in France, and as it would rise still further in that country, but for the fact that they have there a man who says, *l'ordre, j'en réponds*." I want, Sir, my right hon. Friend to do in this House and in this country what across the Channel is done by bayonets. There was a time when he was silent on the Reform question, and as a result heads were smashed, illegal meetings were held, and all order and law were shaken in this country. Upon this Irish question he was adjured last year in both Houses, not to say what he would do, but what he would not do; and why did we make the appeal? Because we knew full well that in dealing with a highly imaginative and excitable race like the Irish they would run riot if they thought they were not to be treated in a spirit of perfect fairness. A very similar state of things prevails at the present moment. I appeal to my right hon. Friend to look into this question of the land, and to stamp the very beginnings of Communism under his heel. It is because I see the principles of Communism in this Bill in the way in which it deals with property, in contracts, and in compensation for disturbance, that I condemn its provisions in the way I have done. Why should you depart from sound and just principles? What do you gain by doing so? What has been the result of all that you have done? Those whom you hoped to conciliate, speaking through their accredited organs in this House, the Mover and Seconder of this Amendment, and the hon. Member for the city of Kilkenny (Sir John Gray), throw the Bill back into your faces; your sacrifices have been in vain; they have not pacified the unruly; they have not satisfied the unreasonable. But you will say, if we strike out of the Bill what you object to, and if we do not give compensation for disturbance, you leave nothing whatever in the Bill. I deny that. Go back to the gauge of my right hon. Friend the Secretary of State for Ireland, and you will find that you still leave in the Bill more than was contained in the "Bill of the Irish Members." What will you leave. You will leave the legislative recognition of usage, and the power of enforcing payment for goodwill, wherever goodwill or custom has prevailed throughout the length and breadth of the land. You will give compensation for improvements, past, present, and future; you will give simplification of remedies, encouragement of contracts by forcing these to a certain extent; and you will establish courts of equity and arbitration. Therefore, I say, when you have struck out of the Bill all that is objectionable in principle, as applying to England and Scotland, you will still leave in it, as applicable to Ireland, all that ought to satisfy reason and justice; and those whom it will fail to satisfy are those by whom confiscation is demanded, and who will not be satisfied with anything less. In conclusion, I have only to say that if, as my right hon. Friend told us in his opening speech, the Irish are, of all the people upon earth, the people that love justice most, I say—"Do justly and fear not;" trust to their sense of justice, be just to all—to the landlord as well as the tenant. In endeavouring to conciliate Ireland do not break through principles which you know to be economically sound, but have the courage to prove your title to the Government of this country and to the confidence of Parliament by the firm, unswerving maintenance of right.

Sir COLMAN O'LOGHLEN said, he was not surprised that the noble Lord (Lord Elcho) had been greeted with an ironical cheer when he stated that he approved the Bill and intended to vote for the second reading. For anyone who listened to his speech must have thought, from the arguments which he used, that he was totally opposed to the Bill. He denounced the Bill as containing novel, revolutionary, and dangerous principles; he denounced it as Communistic; and there was scarcely one single clause among those which were deemed most valuable for effecting a settlement of the long-agitated land question of Ireland which the noble Lord did not find fault with. The reasons urged by the noble Lord were all reasons which should lead him to go into the Lobby with the hon. Member for Kilkenny (Mr. Bryan) against the Bill. But the supporters of the measure must be thankful for small mercies; the noble Lord thought the Bill Communistic and dangerous, but still he meant to give it his support. For his own part, he did not regret that the Amendment had been moved. It was important that Her Majesty's Government should have an opportunity of fully explaining the principles and details of the Bill, which had been sadly misrepresented and much misunderstood. It was likewise important that before going into Committee there should be a full expression of opinion, not only by Members who were connected with Ireland, but also by Scotch and English representatives, and it was only upon the second reading that such expressions of opinion, constitutionally speaking, could be given. He considered that the debate they had had on the Bill had been extremely satisfactory. There had been more brilliant, more exciting debates within those walls, but a moderation—he might almost say a judicial calmness—had been exhibited which was highly creditable to the House. There had been a total absence of party spirit, and, with the exception of the noble Lord, and of one or two Gentlemen who had spoken on the other side, a cordial support had been given to the Government by all the speakers, as far at least as the second reading was concerned. It must be most gratifying to his right hon. Friend the First Minister, who had been subjected to so much unmerited abuse on the other side of the water, that the Bill had received the sanction of the overwhelming majority of the Irish as well as of the Scotch and English Members, especially remembering that the subject with which it dealt was the most difficult and complicated which a statesman could approach. He also thought that the debate would do good in Ireland. The expression had often been made use of in Ireland that the House of Commons did not care about Irish subjects; but anybody reading the present debate could not fail to perceive that the House did care for Irish subjects, and that no desire whatever existed to give them the go-by, or to pass them over with hasty and inadequate consideration. It had been said, indeed, by some Irish Members, especially by his hon. Friend the Member for the county of Kilkenny (Mr. Bryan), and by the hon. Baronet the Member for the city of Kilkenny (Sir John Gray)—that the Bill did not go far enough. Unfortunately, in Ireland the language used in this respect had been much more violent than the language used in the House. Every vituperative epithet that could be levelled against the most obnoxious measure had been used against the Bill. And he regretted that persons of influence, belonging to what was called the popular party in Ireland, had lent the sanction of their names to the abuse which had been poured out upon the Bill. Those who did so must certainly be oblivious of what had occurred within the last few years. Anybody who had listened to the clear and admirable statement of his right hon. Friend the Chief Secretary for Ireland must have been satisfied that this Bill went further than any other upon the subject which had been previously promoted. Compared with the Bill introduced by Mr. Sharman Crawford, with that which bore the name of the present Secretary of State for War, with that introduced by the present Chief Secretary for Ireland when filling a similar position in Earl Russell's Government, with that framed by the present Governor General of India (the Earl of Mayo), with that which was framed under the sanction of the Irish Tenant League and received the sanction of C. G. Duffy, F. Lucas, and others of the then popular party in Ireland, or compared, above all, with the Bill which, only four years ago, was proposed and laid before Her Majesty's Government by Mr. Dillon—it must be admitted that the present Bill was calculated to confer greater benefits upon the tenantry of Ireland than any other Bill which had been thought of or proposed. And yet in Ireland it had been stated openly, at meetings and in the public Press, that this Bill was a mockery and a delusion; it had been asserted, and loudly repeated, that the Bill was an insult to the tenants of Ireland; and in some cases speakers had gone so far as to say that the tenants of Ireland asked for bread and were given a stone. Such language could not fail to recoil upon the people who used it; but meanwhile its employment was most unfortunate, for it was calculated to dishearten men like the Chief Secretary for Ireland and the First Minister, who were anxious both to meet the wishes and to do justice to the Irish people; and it was further calculated to repel the Engilsh Members, who, against their own prejudices and preconceived notions, were endeavouring to give effect to the views of the Irish people. He did not consider the Bill a perfect Bill; it was impossible that any piece of legislation could be perfect. But he looked upon it as an honest and *bonâ fide* attempt to settle one of the most difficult questions that had ever engaged the attention of the Legislature; it went further in favour of the tenants than any Bill which had ever been proposed; and, above all, he believed it to be a fair compromise between conflicting opinions. In Ireland, he was sorry to say, people did not understand what a compromise was. Politicians upon both sides refused to look at any side of the question but their own. In former days the landlords did not much consider the rights of the tenants; and now-a-days, he was afraid, the tenants looked with little favour upon the rights of the landlords. The late Archbishop Whately, remarking on the aversion of the Irish people to compromise, attributed it to their constant travelling on the national vehicle, an outside car, on which they sat back to back, and thus acquired the habit of looking only on one side of the road. Whether that idea was well founded or not, he would not stop to inquire; but, adopting that idea, he would say the Government were bound to sit in the driver's seat and look on both sides of the road. The Government could claim that the Bill was a fair compromise of conflicting interests. It had been objected to the Bill that it would promote extreme litigation. The hon. Member for South Norfolk (Mr. Read) described the Bill as a cow—the landlords holding it by the head, the tenants by the tail, and the real produce going into the attorney's pocket. This was an entire misconception. Except in very rare cases, where a tenant voluntarily surrendered his farm, and a dispute arose as to compensation for improvements, litigation would never occur unless the landlord began the litigation by a notice to evict. His hon. Friend the Member for Clonmel (Mr. Bagwell) said the Bill would so tend to promote litigation that a friend of his told him, if the Bill became law, the first thing he should have to do would be to appoint an attorney on his establishment. He might say that whoever acted towards his tenants in the spirit of his hon. Friend would not require to make such an addition to his establishment. But whoever, after the passing of this Bill, desired to exercise that arbitrary right of eviction which he was sorry to say was sometimes practised in Ireland would require to have, not one attorney, but several attorneys; because the Bill had been framed so as to throw the greatest possible impediments in the way of indulging that expensive luxury. The right hon. and learned Member for Dublin University (Dr. Ball) had said they were legislating for posterity in the panic of a moment. Where had the right hon. and learned Gentleman been living for the last third of a century? He must have been asleep, and he now came, like Rip Van Winkle, and told them they were legislating for this question in the panic of a moment. The subject had long ago engaged the attention of the Legislature. Since 1835 many attempts had been made to settle the question. There had been the Royal Commission, headed by the Earl of Devon. There had been Committees in both Houses on the subject. In fact, there was no question on which so much information had been collected. Yet they were now taunted with legislating in the panic of a moment. But his right hon. and learned Friend urged a more tangible objection, and this was followed up by the noble Lord who last spoke. His right hon. and learned Friend said temporary legislation might perhaps be necessary to meet some hard cases that had occurred, but beyond that no permanent legislation was required; and he asked, with a triumphant air, would such legislation be tolerated for one moment in England—would five Members be found to support it? The noble Lord, too, who last addressed the House, quoted the Chancellor of the Exchequer as saying in former years that he would never be a party to legislation for Ireland which he would not support for England. He (Sir Colman O'Loghlen) believed if the same state of things existed in England as existed in Ireland not ten Members would be found to vote against the application of such a measure to England. If for the last hundred years the agricultural districts had been disturbed by one long system of agrarian conspiracy—by Hearts of Oak, Hearts of Steel, Whiteboys, Ribbonmen, and a host of similar confederations—if there had been in all the English agricultural districts such confederations as these, English Members would not hesitate one moment in adopting such a measure for England. But, in fact, there was no analogy between the present state of England and Ireland. It was stated in the Reports of the Poor Law Inspectors that a certain nobleman was in the habit of serving his tenants from year to year, in Ireland, with notices to quit any year. Did any nobleman adopt the same practice in England? Had not, too, the Legislature itself found it necessary to make a distinction between land legislation for England and land legislation for Ireland? The abolition of the power of distraining growing crops, the substantial abolition of the law of distress, the prohibition of the execution of evictions on Christmas days and Good Fridays, the statute requiring notice to be lodged with the relieving officer when an eviction was to be enforced—all these showed the application of a different policy with reference to land in Ireland as compared with the course pursued in England. They had also had to prohibit in Ireland the unroofing of houses whilst human beings inhabited them. If such a state of things had existed in England such legislation as that now asked for with regard to Ireland would have at once been granted. With regard to freedom of contract, which it had been said was allowed in England, it was a mockery to talk of it in Ireland. One of the ancients had said that he was surprised that two soothsayers could meet without laughing; and he (Sir Colman O'Loghlen) confessed that he was astonished that his right hon. and learned Friend (Dr. Ball) could seriously speak of freedom of contract in Ireland in respect of land. The Poor Law Inspectors' Reports showed that there were estates in Ireland on which the tenants were obliged to sign agreements binding them to give up possession on the 1st of November in each year without notice. And they all knew the *régime* of the Ballycohey estates. He repeated that to talk of freedom of contract in Ireland was absurd. The object of the Bill was to endeavour to put tenants in the position in which they might have some independence of action. They were now entirely at the mercy of the landlords—the main principle of the Bill was to put them in such a position that hereafter, perhaps, they might be able to enter into contract with their landlords. It had been said, during the debate, that this Bill was most unjust to those who had bought property in the Landed Estates Court. But he could not understand the force of this argument. He could not see why the owner of property by inheritance and the purchaser in the Encumbered Estates Court should be differently treated. Having adverted to these general topics, he would now proceed to call attention to what the Bill did. The tenantry of Ireland complained that they were liable to capricious eviction at any time whatever, and got no compensation for the improvements they had effected. The Bill proposed to meet that state of things. How did it do so? It proposed, in the first place, to legalize the tenant-right of Ulster. The clause by which that was to be carried out had been greatly criticized by the hon. Member for the city of Kilkenny (Sir John Gray) and other hon. Members. Whether it was properly carried out in detail it was not for him to say; but what the clause said was that where that right existed it should be for ever legalized. The right hon. and learned Member for Dublin University said, although he had great admiration for Ulster tenants, he had no admiration for Ulster tenant-right. It was quite clear the right hon. and learned Gentleman did not represent any Ulster constituency. No single Member for Ulster objected to the tenant-right of Ulster. The late Chief Secretary for Ireland (Colonel Wilson-Patten) said his feeling was rather against Ulster tenant-right than for it. The right hon. Member for Oxford University (Mr. Gathorne Hardy) also said he was not enamoured of the Ulster right. For his part, he (Sir Colman O'Loghlen) entertained a strong affection for the tenant-right of Ulster, and he believed that if Parliament legalized it a great blessing would be conferred upon the Irish people. Whatever objection there might be to it in principle, and however much it might be objected to on the ground of political economy, there was the important fact that it had existed for years in Ulster, and that Ulster was prosperous. There was no agrarian crime there, and the land sold for higher prices than in other parts of

Ireland where tenant-right did not exist. If there was an objection to the Ulster tenant-right, though he did not admit it to be an objection, it was that it recognized a species of right of occupation on the part of the tenant, and a title to compensation to the outgoing tenant from the landlord if the latter assumed the occupation or put the land up for sale. Therefore it was that some persons objected to legalizing the custom. But if it were not to be legalized what was to be done? Did any man in his senses propose to abolish it? That would be impossible. He held in his hand evidence given before the Devon Commission, from which he would read some extracts in order to show the impossibility of abolishing the Ulster tenant-right. The following was the evidence of Mr. Andrews, agent to Lord Londonderry:—

> "With regard to Lord Londonderry's estate, can you state the usual amount of the purchase of the tenant-right?—Yes, I can. I would give, as the average, £10 the English acre; the tenant-right will sell for that with or without a lease.—Is there much difference?—Very little; I would say almost none.—Do you think the curtailment of the tenant-right can be carried out without danger to the peace of the county?—I am sure it would not. You would have a Tipperary in Down if it was attempted to be carried out."

The evidence of Mr. James Porter, Presbyterian minister, County Down, was to the following effect:—

> "Are there many estates where the tenant-right is not allowed?—There is no property where it is entirely denied. There were but three instances in which there were agrarian outrages committed since I settled in this county, and these originated in the total denial of the tenant-right; that was, a denial on the part of the landlord of the tenant-right. The landlord yielded the claim of tenant-right to the popular feelings in those three cases."

The following was the testimony of Mr. Handcock, Lord Lurgan's agent, in Antrim and Armagh:—

> "The landlords are compelled to recognize tenant-right, as in several instances in this neighbourhood where they have refused to allow tenant-right the incoming tenant's house has been burnt, his cattle houghed, and his crops trodden down by night. The disallowance of tenant-right, as far as I know, is always attended with outrage. A landlord cannot even resume possession himself without paying for it. In fact, it is one of the sacred rights of the tenants which cannot be touched with impunity, and if systematic efforts were made among the proprietors of Ulster to evade tenant-right, I do not think there is a force at the disposal of the Horse Guards sufficient to keep the peace of the Province."

In 1867, Mr. Hamilton, Poor Law Inspector, stated—

> "In some individual cases the tenant-right has been disregarded and no evil consequences have been the result; but there can be no doubt that any systematic attempt on an extensive scale to destroy the tenant-right of Ulster would be attended with serious danger to the tranquillity of the country."

Under these circumstances, what could the Government do but legalize the right? But, said the right hon. Gentleman (Dr. Ball), why keep this right in perpetuity? There was nothing in the Bill to keep it in perpetuity. The landlord might act like Lord Dufferin, and buy the right. It was not, however, a course of proceeding he (Sir Colman O'Loghlen) should like to see pursued, though he could understand that that noble Lord might think the right interfered with his good intentions in respect to the management of his estate. It had been said that it would be a good disposition of public money if the means of purchasing up the tenant-right were lent to the landlords. But the right hon. Gentleman (Mr. Henley) who made that suggestion surely could not be aware of the value of the Ulster tenant-right. It was estimated as being worth £20,000,000, and the Chancellor of the Exchequer would, no doubt, be very sorry to be called on to lend that sum for the purchase of the right. The present Bill would never have been necessary if the Judges in Ireland had done their duty, for in that case they would long since have legalized the custom of tenant-right, just as the Irish tenure of leases for lives renewable for ever was legalized by the Irish Judges, and afterwards by the Irish Parliament. It was asked, if the custom was a good one, why not extend it to the whole of Ireland? That was impossible. A custom could not be transferred to a place where it did not exist. But the Government did the next best thing—they had regard to the principle of that custom in framing that portion of the Bill which affected other parts of Ireland. The next proposition of the Bill was that, wherever a custom existed in other parts besides Ulster, it should be legalized. He could see no more objection to that than to the legalization of the Ulster custom. There might be some defects in the clauses, but they could be remedied in Committee; and then came what he considered the backbone of the Bill, without which the measure would be a perfect mockery—and that was the clause objected to by the noble Lord who spoke last. That clause recognized the right of occupancy in the tenant, and his right, if disturbed, to payment. He had a strong opinion that in this respect the Bill only recognized the just right of the tenant. The opinions he had expressed below the Gangway he was not prepared to alter when speaking from the Treasury Bench, though, of course, he only expressed his individual sentiments, by which the Government were not bound. Considering the peculiar condition of Ireland, and that the land must necessarily be in the hands of a few individuals—for the existence of an immense number of small proprietors, which some hon. Members had predicted, would not be suitable to the circumstances of that country—the only way of bringing the great majority of occupiers into harmony with the minority of landowners was to give to the tenants some interest in the occupancy of the soil. Give the tenant-farmers of Ireland some interest in the proprietorship of the land, and you would make them special constables—the friends of peace and order. He knew that many hon. Gentlemen, not agreeing in his views, supported the clause he referred to, because they held that it did not give a right of occupancy, but only a claim for "disturbance" of possession. He cared not what it was called, so long as the provision gave some security against the capricious exercise of the landlord's power to evict; and it was on that ground that he supported it. As a compromise it was most valuable, as it enabled men entertaining different views to meet on one common ground in support of the clause. The right hon. Member for Oxfordshire (Mr. Henley), who was most happy in criticizing all Bills, and whom the House always listened to with pleasure, said that the title of the Bill should be altered, and that the measure ought to be called "a Bill to abolish small tenants in Ireland," because, he argued, that was its natural result, as the landlords would have to compensate the small tenants so largely if they disturbed them that they would be obliged to get rid of the small tenants as fast as they could, and would create large holdings. Probably the right hon. Gentleman did not think of the amount of money which would be necessary for such an operation. The number of occupiers under £50 in Ireland, exclusive of Ulster, was upwards of 400,000, and to get rid of them it would be requisite to pay £20,000,000 or £30,000,000. The clause relating to evictions was a most valuable one. It would carry out one of the great principles of the Bill, which was to put an end to capricious evictions. After this clause became law, if anyone wished to indulge in capricious evictions he must pay for it, and this money penalty would be the best means of preventing such evictions. The discussions on this Bill, and the passing of the Bill itself, would have their effect in Ireland. They would show that public opinion in this country was opposed to capricious evictions—that it condemned them. He thought, therefore, there was strong ground for the hope that, after the passing of this Bill, those evictions would be put an end to. In cases of dispute, too, the landlord must go before a court of justice, and this provision would act also as a strong safeguard against injustice to the tenant. The three clauses to which he had more particularly referred contained the main principles of the Bill. On those clauses, he thought the Bill ought to stand or fall, and, in his view, every Gentleman who went into the same lobby with the Government would express his assent, not perhaps to the words, but certainly to the spirit of those clauses. Then came the question which had been asked—Would this Bill satisfy the Irish people? Would it satisfy the disloyal, and make them loyal? He admitted that there were certain classes in Ireland whom we could not satisfy. We could not satisfy those landlords who held that the existing land laws were perfect. We could not satisfy those landlords who thought that their pecuniary interests, or what they valued more, their dominion over their tenants, ought not to be interfered with. We could not satisfy those "insatiables"—those gentlemen who, if you gave them England for a farm, would ask for the Isle of Man as a cabbage garden. We could not satisfy those "irreconcilables" whose faces were turned towards the West, and who wished to overthrow the Government of England with the view of establishing a Republic on the ruins of the Monarchy. If the Bill was calculated to do justice to the Irish people, and bring about a state of peace and contentment in Ireland, it must disappoint such men. But between those various classes of discontented persons, there was a numerous class of thinking men, which included even many of the tenant-farmers, and when they understood the Bill—when the misrepresentations so industriously circulated with respect to its scope and objects had been refuted—it would satisfy them. We could not hope to do away with all discontent in Ireland by the passing of this Bill. The effects of the legislation of centuries could not be removed by a simple enactment; but if we reconciled law with justice we should ultimately succeed in reconciling the people with the law. If this Bill passed we should not hear of the scandal to which the Solicitor General for Ireland (Mr. Dowse) had referred, of a Judge in Ireland being obliged to say that in respect of land he was obliged to administer, not justice, but injustice; we should not hear of thousands of evicted tenants being forced across what the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) called "the melancholy ocean," to become the enemies of the Empire, and we should never again witness the operations of that body known as "the Crowbar Brigade." Mr. Drummond — a man whose name never should be mentioned without respect—was he who first startled Ireland by the axiom, "Property has its duties as well as its rights." This Bill was based upon this axiom, and it would enable the tenant to compel the landlord to perform his duties. It told the peasantry that in the future they were not only to be on the soil but of the soil—and that these words of a poet would no longer be applicable to Ireland—

"Hapless nation, hapless land,
Heap of uncementing sand,
Crumbled by a foreign weight,
And by worse, domestic hate."

His right hon. Friend the First Minister of the Crown endeavoured by the Irish Church Act of last Session to put an end to "domestic hate" by abolishing religious ascendancy in Ireland. He now sought by this Land Bill to put an end to the discontent and the misery caused in that country by the existing land laws —that "foreign weight" which had "crumbled" the tenant-farmers of Ireland. He (Sir Colman O'Loghlen) hoped that the approval of this Bill by the House would strengthen his right hon. Friend to persevere in this course of legislation. If he did, perhaps not in one year, or in five years, or in ten years, but sooner or later, Ireland would become what every man in that House must wish to see her—an integral part of the United Kingdom, united with England and Scotland, not, perhaps, by an identity of laws, for this was of no consequence, but by an identity of feeling and sentiment. When that day arrived Ireland, instead of being a disgrace to England and to English statesmen, would be, by her peace, contentment, and prosperity, a source of strength to the British Empire.

MR. CHAPLIN said, the right hon. Gentleman who had preceded him had stated, and he entirely agreed with him, that the circumstances of Ireland differed widely in almost every respect from those of England; but, nevertheless, and although he (Mr. Chaplin) was fully aware that there must be many Gentlemen in the House who, from a practical knowledge and experience of that country, were far more entitled to speak with authority than he was on that subject, he had yet ventured to trespass on the House, because he was fully convinced of one thing; and agreeing with his noble Friend the Member for Haddingtonshire (Lord Elcho) in this, he believed that few measures of greater importance, and none that involved principles which, if carried out to their end, would more strongly affect the interests not only of Ireland, but of Scotland and England also, had ever before been submitted to this House for their more serious consideration. Therefore, he thought it most desirable, and following in the steps of many who had preceded him, it certainly would be his wish, in discussing the Bill, to avoid anything like heat or party feeling. In order to arrive at an accurate estimate of the Bill, he would look at it under two heads — namely, as part of a great policy which was being pursued towards Ireland with regard to its permanent condition; and, on the other hand, on its own merits as a Bill—the object of which was to give greater security to the tenants of Ireland. Taking the last of these two aspects first, he asked the House to consider the Bill in the first place, now, solely on its own merits, as one the purpose of which was to give greater security to the tenant. With regard to security of tenure, he accepted the right hon. Gentleman's own definition—namely, that it was a tenure which would enable the tenant to pursue his industry without fear of loss from any change on the part of the landlord towards him. Nay, he would go further and say that he took it to mean this—that the tenant should be secured by the knowledge that he would be amply and fully repaid for anything he had laid out on the soil, either in the event of his being ejected or of his leaving his farm, and taking that as its definition. No one in that House would deny that to security of tenure every tenant in England, in Ireland, or elsewhere, was honestly, fairly, and justly entitled. But as many hon. Members might differ very considerably as to the best means of obtaining this security, it might not be uninstructive if they endeavoured to ascertain how such security was attained in England. Because, however different the two countries might be in various particulars, it could not be disadvantageous, and must always be safer to have some kind of precedent to go by, more especially when that precedent had met with signal success. The right hon. Gentleman himself, in comparing the increase of rents in England and Scotland during the last 100 years with that in Ireland, referred to the two former countries as instancing the happy effects of greater security of tenure; and he attributed this in England to the "confidence which supplied what was wanting in the letter of the law;" and in Scotland, where the comparison was still more in his favour, to the system of giving leases, which was almost universally prevalent in that country. Now, he was not going to enter upon a discussion as to the merits of the system of leases, although he (Mr. Chaplin) thought that even upon that point he would be able to show that considerable difference of opinion existed among the best authorities. But with regard to the confidence to which the right hon. Gentleman referred, he was mistaken if it was to that and that alone that he attributed the happier state of things existing in England as compared with Ireland. No one would deny that there existed in England, as a rule, a feeling of a kind and cordial nature between landlords and their tenants, and he should be sorry to think that those kindly and cordial feelings did not in many cases exist in Ireland also; and he could say that, with a most limited experience of that country, he had known thousands of such cases. But in England there was something beyond that, especially in those parts of the country where agriculture was carried to the highest perfection, which was entirely wanting in Ireland—namely, a marked, distinct, and accurate system, capable of being enforced at law, assuring the tenant that he would be amply repaid for everything that he had laid out in the cultivation of the soil in the event of his being ejected from his farm. He would take, as an instance, the custom that prevailed in the county which he had the honour of representing (Lincolnshire)—and he did not think he should be accused of undue partiality when he asserted that his county stood pre-eminent for the excellence of its cultivation. In no county was the science of farming carried to such perfection, or capital more liberally expended upon the soil, and nowhere was the identity of interest between landlord and tenant more fully recognized, or were more cordial and kindly feelings entertained between them. And yet this was a county where leases for a term of years were practically unknown, or, at all events, were very rare. It would merely weary the House were he to enter into details with respect to the various arrangements. They were many, and necessarily so, because in themselves the operations of farming were of a very multitudinous character. Under those arrangements compensation was amply provided for everything that could be laid out in fair farming, the amount of compensation to be paid being fixed by a professional valuer or valuers, and a third party being called in to act as umpire if necessary. So simple was that operation, and so well known its results, that an appeal to law or a dispute scarcely ever arose; and not the least advantage of the system was that it applied with equal effect to small or large farms. By this means security of tenure and its attendant beneficial results were attained; and although no man could more heartily acknowledge than he did the cordial and kindly feelings mutually entertained with respect to each other by the landlords and the tenants, yet in his judgment those feelings were due no doubt in a great measure to the uniform operation of the just and effectual system of tenant-right to which he had referred. Under the operation of that system perfect freedom of contract and perfect security of tenure were obtained without any interference whatever on the part of the Legislature, and he confessed he should have greatly rejoiced had it been found possible to apply some system of a similar nature to Ireland. But when the right hon. and learned Gentleman the Attorney General told them that was exactly what this Bill proposed to do—namely, to recognize custom in Ireland as it was recognized in England—he must venture to point out that there was this very important distinction, that while, on the one hand, the custom in England was known and was proved to be good, the custom in Ulster, admitted by all to be gravely defective, was by many considered as bad as a custom could be. Now, with the permission of the House, he should wish to compare for a moment the means by which the Bill proposed to give security of tenure to the tenants of Ireland; and here he should be met at once with the reply that the circumstances of the two countries were so different that no comparison could be instituted between them. He was fully aware that there was a marked difference between the amount of competition for land in England and in Ireland, but that was a point with which he would deal presently, and he wished for the present to consider this measure on its own merits as one only for giving the tenant security of tenure. In the first place, he regarded this Bill as being an interference on the part of the Legislature for the benefit of one class and to the prejudice of another—in fact, it was a distinct instance of class legislation carried out in the most undeniable manner; and, young as he was in political experience, he could not believe that such a proceeding could be otherwise than dangerous in the highest degree, to the general interests of society at large. Based again, as it was said, upon the principle of interfering as little as possible with the freedom of contract, the Bill proceeded with charming consistency to accomplish the very desirable object by imposing every kind and species of restriction on one, and that the chief one, of the two contracting parties. Not only that, in some cases the very terms of the leases and agreements, and the very rent itself, were to be settled, not between the two contracting parties, as they would naturally suppose, but by the tenant on the one hand and some third intervening party on the other, and that, too, without any regard, so far as he could learn, to what might happen to be the wishes of the landlord upon the subject at all. And here, as he was upon the subject of rent, he might be permitted to point out what seemed to him to be one of not the least of the difficulties to be encountered in the Bill. One of its provisions was that, under certain circumstances, the rent was to be settled by a court of arbitration. Well, the moment Parliament had by its court of arbitration fixed the amount of rent and had selected the tenant, the tenant ceased to be the tenant of the landlord, and became the tenant of the State, and it was their duty to guarantee the landlord the punctual payment of the rent so fixed. Now, competition for land in Ireland was great, and excessive competition meant high rents; and the courts of arbitration would be bound to take the best offer, because they would be dealing with property which did not belong to them but to somebody else. If they were to compel a landlord to take the worse of two offers, they would simply be taking money out of his pocket to put it into that of somebody else who had no right to it whatever. And what happened then? The tenant fell into arrears and was ejected for non-payment of rent. But ejectment for non-payment of rent under the Bill was not a disturbance except where the rent was excessive, and the plea that the rent was excessive could not be put forward in this case, because Parliament had fixed it themselves. In fact, it appeared to him that Her Majesty's Government were in this dilemma—either this part of their Bill was utterly worthless or they would be compelled to do that which would be simply despoiling the landlord, and to proclaim to the world that free trade in Ireland was to be sent to the winds, and that they renounced in that country at once and for ever the principles they had been advocating the whole of their political lives; and when the Solicitor General for Ireland (Mr. Dowse) bantered hon. Members sitting on the Opposition side of the House with their new-found attachment for free trade and its principles, it was much more remarkable that he should so suddenly have deserted his love, and he trusted, without any offence, he might be permitted to hope that to be so inconstant and fickle as this was not always a part of that jovial Gentleman's character. Then there was the scale of damages inserted in the Bill, which included compensation for disturbance of occupancy as well as for improvements. Compensation for loss of improvements was an intelligible proposition; but he confessed that when he heard so much of loss of occupancy he scarcely knew what it meant, because if the tenant lost so greatly by the cessation of his occupancy, he must have correspondingly gained at the expense of the landlord when his landlord first permitted him to commence it; and therefore if the tenant were to be compensated for his loss when he went out—what was sauce for the goose was sauce for the gander—why, surely, in all common fairness the landlord ought to be paid for the gain that accrued to the tenant when he came in. Another main objection to the provisions of the Bill altering the relations between the landlord and tenant was, that it would take from the landlord the power of making any distinction between the idle and the negligent and the good and industrious farmers, who would henceforth be placed upon exactly the same footing in every respect. Then, again, the Bill placed obstructions in the way of a good landlord making improvements, and, in fact, the promoters of the Bill appeared to be under the impression that a good and generous landlord never existed in Ireland at all, and that such was the case was not even asserted by those inveterate spouters who noisily clamoured for that which they knew could never be given to them—namely, the transference of property, its rights, its privileges, and, more than that, its duties, from one class to another, which was the real meaning of fixity of tenure. With regard to that part of the Bill relating to the custom of Ulster he could merely say that, mischievous as he believed it to be in many of its provisions to the interests of both tenants and landlords, the question was of so extraordinarily complicated a nature that he, for one, should decline to take any part in its discussion until it came into Committee. With respect to the proposal to reverse the presumption of the law as it regarded permanent improvements, he had listened to the right hon. Gentleman on the subject when he brought in the Bill, and he was free to confess that he agreed in the justice of the proposal as regarded the future; but that it ought to go back to the past he certainly could not allow. A person who had purchased under a Parliamentary or any other sound title had bought land having upon it certain buildings, and had calculated the value of these buildings in the price he had paid; but if the Bill became law, these buildings would be taken away from him, and given to another without any sort of compensation — a proceeding which would be nothing short of confiscation. So much for the measure on its own merits, and he did not hesitate to express his dislike to it, because instead of endeavouring to remove, or, at all events, alleviate those causes which, in the first instance, had given rise to those unhappy relations existing in Ireland, it sought rather by arbitrary interference and legislative dictation to the landlords, to accomplish that which he believed could only be accomplished by a wise application of the natural laws of supply and demand. Whenever he thought of that measure as a part of the general policy to be pursued towards Ireland, he asked himself why there was any land question in Ireland at all. What were the circumstances in Ireland different to those in England which necessitated the interference of the Legislature between the landlords and tenants of that country? Because they might depend upon one thing that until they were able, satisfactorily and conclusively, to answer that question to themselves, it was impossible to decide upon an effectual remedy which, after all, might not be the right one. There were essentially two, to his mind, underlying the whole of the rest. One not the least striking was this, that while in England the farms, as a rule, were large, and the improvements were made by the landlords, in Ireland the holdings were small, and as a necessary consequence the improvements were made by the tenants. Now, that those improvements were not made by the owners of the land, had been often alleged as a grievance on the part of Irish tenants, but it could not, however, be otherwise, as hon. Members would clearly perceive; for if 100 acres of land were cut up into ten or twenty-acre farms, it was manifestly impossible for the landlord to build homesteads on each one of those farms when one set of farm buildings would be sufficient for the cultivation of the whole of the ground. If an Irish landlord were obliged in this way to build homesteads for every tenant, he would have to spend upon farm buildings probably more than the value of the fee simple. The existence of small farms was unquestionably an evil, and, in his opinion, it was often the duty of the landlords, as well as for the best interests of the peasants, although they might not think so at the time, that they should be consolidated. If it was not so, he wanted to know why was it that in England the system of small farms had been long ago banished, and why did every energetic landlord in Ireland seek to consolidate, whenever the opportunity offered, his small ill-cultivated holdings into reasonably-sized and well-managed farms? They had only to take, as an illustration, the case of a piece of ground of 200 or 300 acres, cut up into small farms of three or five acres by high banks, which, true to the Irish character, were called dykes. They would find that the people on these farms were utterly incapable of improving them, from want of knowledge, energy, and skill; the farming was worse than could possibly be conceived by those who had not seen it for themselves—indeed, a friend of his, who had travelled over a considerable portion of Ireland last autumn, came to the conclusion that the dock and the thistle were sacred weeds in that country. ["He was a Scotch farmer."] The land itself, tilled under such circumstances, did not produce, and, indeed, could not produce one-fifth or one-tenth of what it was capable of producing, and the people themselves would tell you that they were not able to get a living upon such property, so that poverty and misery reigned supreme. Under these circumstances, consolidation would be a boon to the occupier as well as the owner; because, in the hands of a liberal and intelligent tenant, with plenty of capital at his command, the land would afford employment, if not to all, at any rate to many of those who now earned a precarious and scanty living, and whose position as regular labourers, receiving substantial and steady hire, would be infinitely preferable to that which they held as occupiers of the land, and with regard to the rest of the present occupiers, why it would surely be possible to find some means of employment for them. Nay, he held that such means of employment must be provided for them; and that too, if need were, by means of the State; for that was, after all, the real pith of the Irish question—namely, to give the means of subsistence and livelihood to that portion of the population of Ireland which was too large to subsist in decency and comfort, he did not say upon, but by means, and means only, of that soil to which they had hitherto been accustomed to look as their sole means of support. To the State, no doubt, that would be a costly proceeding. But, he asked, to whom was the necessity owing? Was it to the landlords of Ireland, who were so harshly and persistently assailed; or was it not to the selfish commercial policy of the English people in former ages? If they looked back to the pages of English history they would find the story of that policy told in unmistakable language; and he said that the time had arrived, and these were the means, by which atonement might justly be called for and made for the sin of the whole British nation. No doubt he might be told that there could be nothing more unpopular or more opposed to the prejudices of the Irish than these views, and he well believed that many of them would prefer to live in comparative discomfort, provided at the same time they were allowed to be idle. But when they recollected that it was estimated that the English labouring man cultivated, on the average, no less than twenty-five acres, and he purposely put it low, and that the majority of the farms in Ireland were less than fifteen acres, that fact in itself condemned the system of small farms at once, and showed that to perpetuate that system would be to compel the majority of the small farmers in Ireland to live in enforced comparative idleness. Was this the end which the hon. Member for Kilkenny, and those who thought with him, had been so long endeavouring to accomplish? His answer to the hon. Member was, that to require the land of Ireland to be cut up and subdivided and cultivated in the worst and most inconvenient manner, for the purpose of giving a fictitious means of support to the surplus population, was just as reasonable as to demand the banishment of science and machinery from English manufactures in order to give more occupation to the artizans who were in want of employment. He would put a case to show the absurdity of the hon. Member's argument. Let the House, for instance, take the case of an English farm of 1,000 acres, and apply to it the standard of Irish labour and work in connection with a three-acre farm. Why, it would require something like 330 labourers for the due cultivation of the soil; and he certainly fancied that his hon. Friends the Members for Norfolk and Leicestershire, who might be supposed to have a practical acquaintance with agriculture, would agree with him, that if 330 labourers were employed at 15*s.* a week on 1,000 acres it would require a tenant of singular skill and capacity, to say nothing of rent, to make much profit out of his farm. Ought we to refrain from doing that which it was clearly our duty to do in the way of making improvements out of regard either to the love of sloth and indolence, natural to the Irish peasant, or to his sentimental attachment to the mud cabin and farm where his forefathers had existed in a similar state of discomfort for generations before him? He (Mr. Chaplin) knew well the power of the attachment for home, which was so singularly developed in the Irish nation. He believed no people on earth had a more passionate attachment to their native soil; and far be it from him to say one word against what was so good and so natural a feeling. But he knew also that in every country and among all classes of society, to rest and to live in the home of their forefathers was denied to all but a favoured few; and he wanted to know why Ireland should be made the only exception to the very general rule? He would now come to what he regarded as the very germ and root of this Irish question—namely, the difference between the two countries arising from the fact that while in England there were many and various means of employment, in Ireland it was to the soil alone that the people had been accustomed to look for their means of support. It was, in his judgment, impossible for anyone who had listened with attention to the remarkable speech delivered by the First Minister of the Crown on the introduction of the Bill to avoid coming to the conclusion that all the difficulties encountered at every turn were mainly referrible to the great competition for land in Ireland and the dire necessity of obtaining it which destroyed all practical freedom of contract between landlord and tenant in that country. To this must be attributed many of the evils of which Ireland so justly complained. This was, indeed, the incubus which weighed so heavily on Ireland, and, to quote the words of the right hon. Genleman the First Lord of the Treasury, this was "the dark star whose malign influence was for ever brooding over that unfortunate country." This was the substantial grievance, in the absence of which, as the right hon. Member for Liskeard (Mr. Horsman) had pointed out, agitation in Ireland could no longer exist. It was the first, the chief, the real, the abiding cause of all the evils and miseries of Ireland. Now he had always believed that when a disease was known to exist the wise physician was he who, after first ascertaining its cause, proceeded to apply the remedy which appeared to him the most efficacious and the most likely to go straight to the root of the complaint, and he asked, in what sentence, in what line, in what syllable of this Bill was this overpowering Irish evil attempted to be dealt with at all? He objected, therefore, to the Bill as a measure of policy also, because it left the chief evils of the country entirely undealt with, completely untouched; and if he were asked, how it happened that with these opinions he did not intend to oppose the second reading of the Bill, he would at once answer that he should offer no opposition to it, because he believed it to be essentially a measure of detail which he hoped, in direction as well as detail, might be sweepingly changed in Committee; because he recognized to the full the need of something being immediately done with regard to Ireland—a need so dire as almost to appal the heart of the bravest—and because he was in dread lest he should see the blood of Her Majesty's subjects in Ireland flowing like water. Let it not be supposed that this was the language of undue exaggeration on his part, for he believed that no man could foresee at that moment what might be the effect of even appearing to thwart without reason the temper and will of the Irish people. As to whence—from whose unpardonable silence—that necessity for immediate action in the first place arose, and daily and almost hourly increased, it was needless for him now to state his opinion; but he must express his undoubted conviction that these ill-omened and almost perennial attempts at legislation for Ireland—more baneful even in their success as last year, than when, as was more usually the case, they had proved signal failures—by continually arousing the expectations of a restless and an excitable people—expectations which in no case could ever have been fulfilled, and which in this case Her Majesty's Government, long after they must have made up their minds as to what their policy would be, had culpably concealed from the Irish people, were to end only in deep disappointment, thereby exciting them more, had done more to retard the civilization and especially the progress of the country than a thousand Fenian outbreaks or all the Ribbon societies in Ireland. At the present moment Ireland was in a state that was scarcely ever known before. Agrarian outrage was rife; the demon of murder was stalking unchecked through the land; no species of property, not even life, was secure. He sometimes was tempted to think that open rebellion was close at our doors, for sedition was openly published and everywhere talked. Society at large was almost completely disorganized, and these he believed to be the immediate results—deny it who could—of the unhappy, ill-fated, deplorable policy of Her Majesty's Government in Ireland.

MR. COGAN said, the hon. Member who had just sat down had attributed many of the unfortunate circumstances which were now occurring in Ireland to the policy pursued by the First Minister of the Crown; but, instead of those circumstances being attributable to the right hon. Gentleman, he (Mr. Cogan) believed that they had arisen from the long postponement of that policy of justice and conciliation which the right hon. Gentleman had so nobly inaugurated by the measure of religious equality passed last year; and because he (Mr. Cogan) believed the present measure to be another stage in that policy, dictated by justice and an honest and sincere desire to settle the question in a manner which would be satisfactory to the Irish people, he should vote for the second reading of the Bill. He had listened patiently to the debate but, since the speeches of his hon. Friends the Mover and Seconder of the Amendment had been delivered on the opening night, he had waited in vain to hear from any hon. Gentleman on either side of the House arguments endorsing the opinions which they had put forward, until, on the previous evening, his hon. Friend the Member for Kilkenny City (Sir John Gray) had come to the rescue of the Member for Kilkenny County (Mr. Bryan). Indeed, it would seem as if there were now in the House a new "Confederation of Kilkenny" opposed to all the other Members from Ireland, as well as to the representatives of England and Scotland. In his opinion any man who proposed the postponement of legislation on the Irish land question at the present most critical period of the destinies of Ireland incurred a serious responsibility, a responsibility so grave that he, for one, was not prepared to share in it; and believing the measure to be a good one he should vote for its going into Committee, in order that it might be amended in any respect in which it might fall short of doing justice to the Irish tenants. He should not have spoken on this stage of the Bill if it had not been for the fact that the measure had been misrepresented, especially in Ireland, in a manner the most unjust. All the important benefits it conferred on the people of Ireland had been obscured and distorted and misrepresented to them. He believed that the more the tenant-farmers of Ireland knew of the scope and provisions of the Bill the more they would like it. When they knew that it went further than any measure which was ever proposed on the subject, and that it gave more than the most extreme of their advocates had ever demanded in Parliament, the tenant-farmers were too intelligent not to come to the conclusion that there must be a great deal in the measure that was worthy of their acceptance. Under its provisions every custom which now existed in Ireland, by virtue of which an outgoing tenant was entitled to compensation, would become a matter not depending on the caprice of landlords, but sanctioned by the authority of law; and where that custom did not exist a landlord could no longer capriciously evict a tenant who paid his rent and who did not sublet without paying him what might be seven years' rent. And for the first time it was now proposed to attach a money value to a mere occupancy right in such a manner that it would become virtually and substantially security of tenure. Compensation would be given under the Bill to the tenant-farmer for all the substantial improvements which he made on his farm, and which permanently benefited its condition, not only for the future but for the last twenty years with regard to all permanent improvements, and without any limit of time back as regards buildings and reclamation of land. When the Irish tenantry knew this they would agree that it would be most unwise to intercept a measure which would confer on them such substantial benefits. He, for one, should aid by every means in his power in getting for the Irish tenantry all that he believed to be possible, and that he believed would do them any practical good; and he much preferred that course to any attempt to please their imaginations by mere fancy sketches of possible legislation for fixity of tenure, which might take place God knew when. For the future it would be the presumption of the law that all improvements found existing on a farm had been made by the tenant and not by the landlord, the contrary being the presumption now. That in itself was almost a revolution, but it was a most just and righteous one. It was also provided that the landlord, in place of giving the tenant compensation for his occupancy-right, might tender him a lease for thirty-one years at a rent not to be fixed by himself but by a public court, the terms of which were to be statutable. That was a tenure of which many tenants in Ireland would gladly avail themselves. With regard to the number of years for which the lease should be made out, that was a matter to be fairly considered in Committee, and it was open to discussion whether the lease might not be for forty or even sixty years. He himself had given leases in some cases for both those periods, and he believed that by so doing he had benefited himself as well as his tenants. Certain it was that the Government Bill did not deserve the reprobation which men who attempted to lead public opinion in Ireland had endeavoured to affix to it. That the measure contained several defects he did not deny, but these it would be the duty of the Irish Members to remedy in Committee. It was, for example, much to be desired that legislation on this subject should be uniform throughout the whole of Ireland. It was disadvantageous and liable to misconstruction that one particular legislation was given to tenant-right in Ulster, while a modified establishment only was given to analogous customs in other parts of the country. Where in any part of the country a custom existed by which the outgoing tenant was entitled to compensation on quitting his holding, that custom should be legalized by this Bill as an existing fact, and with the varying restrictions, whatever they might be, which surrounded it. The sponsors of the Bill declared that there was great difficulty in defining the tenant-right of Ulster, which varied in different counties and even on different estates. He could not see why all the customs should not be legalized all over the country in the same way, or why the same customs, out of Ulster, should be fenced round with statutable restrictions which did not apply to the tenant-right of Ulster. He wished that the word "Ulster" had never appeared in the Bill at all, and that the 1st and 2nd clauses of the Bill had been omitted and a common clause inserted in their place, legalizing all such customs, wherever they existed, in any part of Ireland wherever it now exists; and with its existing limitations and restrictions, or if any statutable restrictions are required, apply them equally to all Ireland. It had been said that Ulster had been favoured in the Bill on account of its Protestant character; but that was an assertion which was too contemptible to need refutation, and he protested against the religious bigotry which had been attempted to be imported into the matter. The antecedents of the Prime Minister and of the President of the Board of Trade, whose absence was so deeply deplored by both sides of the House, were a sufficient answer to that charge. Shame on the cruel tongue or pen that would revive the horrid engine of religious bigotry, or import into a purely political question the words "Catholic" or "Protestant." He was no true friend of his country who sought to perpetuate those irreligious animosities—for he would not desecrate the word by calling them religious—which had severed Irishmen in time past, and had done so much harm to them all. Another amendment he wished to see made in the Bill was, the introduction of a provision giving a choice to the tenants either to take compensation under the custom or under the scale; for it had been said that tenant-right had been invaded by the encroachments of landlords, and if a scale giving a certain number of years was fair to one landlord it would be fair to another. If this were done, and the same custom was established all over Ireland, that which had been seized upon as one of the blots of the Bill, and which had given rise to much angry discussion, would be removed. Some of the restrictions barring the claim of tenants to compensation ought to be altered in Committee. It would be hard, for instance, for the tenant to have no occupation-claim on the ground of a year's rent being in arrear, especially in cases where several years' arrears had been allowed on the estate; and it should be enacted that arrears, unless for four or five years, should not act as a bar to occupancy rights. He should also wish to see introduced into the Bill a provision abolishing the law of distress. The right was not required, and was seldom used, by the landlord, and it was invidious to give him an unfair advantage over the other creditors. With respect to the proposal relating to dwellings for the labourers, he gave the principle his cordial support. At present the labourers were very badly housed, and it was very essential that their condition in this respect should be ameliorated; but he thought at the same time that the clause must be guarded by certain restrictions as to the number of these cottages permitted to be erected, and it was a question for consideration in Committee whether they should not be held from the landlord, and not from the tenant. It had been stated that the Bill was not likely to give satisfaction in Ireland. That was lamentable, because the moral advantage to be derived from a satisfactory settlement of the land question was one of the greatest advantages expected from the Bill. He confessed, however, that he shared the feeling that the Bill would not give satisfaction; and that result he attributed not to any shortcomings on the part of the Bill, however defective it might be. Such a state of feeling had been aroused in Ireland that, in his opinion, no measure which this House would be likely to pass would, for a time at least, give satisfaction in Ireland. The expectations of the Irish people had been raised to an undue height; the populace had been fed upon delusions for the past few months; an agitation had been begun which had led them to seek for chimeras, instead of what was practical and likely to be obtained. For himself, he had never taken part in the promotion of these delusions; he had never condescended to propagate them among his countrymen. On the contrary, he had stood aloof from the agitation, and had thereby incurred odium and mistrust. So high was the current of popular feeling that many of his best friends thought he had not acted in a way to secure their approbation. All he could say was that he had taken a course dictated by a conscientious conviction of what was just and right; and whenever he found, if he did find, that he had lost the confidence of his constituents, whom he had represented without a fault being found with his conduct for eighteen years, he should willingly resign his trust; but he would never consent to hold it for an hour on terms which he considered inconsistent with his own honour or the public good. Although it must be very disheartening to the House if Ireland were not satisfied with a fair settlement of the question—for fair he hoped it would be—still he was confident that the right hon. Gentleman at the head of the Government would not be deterred from persevering in his policy of conciliation and justice towards Ireland. He called upon the right hon. Gentleman to "be just and fear not," believing that in time the good sense and good feeling of the Irish people would do justice to those who had been anxious to do justice to them.

Mr. M'CARTHY DOWNING said, that at the close of last Session he had returned to Ireland gratified to be able to tell his constituents that he had helped to carry the Irish Church Bill. He had hoped that at the close of this Session he should have been able to congratulate them upon the attainment of those things in connection with the land which all just and reasonable men admitted they were entitled to—namely, fair security in their holdings and protection from exorbitant rents. He feared, however, there was small chance of his being able to do so. Fixity of tenure and protection, it was said, were embraced in the Bill; but if such were the case, he certainly did not understand the measure. He protested against the language which had been used towards those who opposed the Bill. Unwarrantable aspersions had been cast upon the Mover and Seconder of the Amendment, whose motives were really as pure and honourable as those of any Gentleman in the House. He repudiated the imputations that had been cast on those who had led the recent agitation in Ireland. They had done what in their consciences they believed to be right, and what in his conscience he believed to be right. Some people alleged that they had deluded the Irish people. He objected to such statements. The meetings which had been held were perfectly constitutional, and had been approved of by the friends of order. These meetings had, moreover, greatly aided the Prime Minister in his work, and had assisted in the half conversion of the Opposition. As to the Amendment, he knew nothing of it until he saw it on the Paper, and hon. Gentlemen must not, therefore, suppose that it came from a "cave." He altogether disclaimed the idea that the opposition to the measure had proceeded from the irreconcilables. His desire that the land question should be fairly and moderately settled was as great as that of any Member in the House; but he had no hesitation in declaring that the Bill was not what the people of Ireland expected, though it might be so amended as to fulfil those expectations. The framework was right, though the clauses were unsatisfactory; but if the Prime Minister would give the smallest indication of his willingness to accept the Amendments that were necessary, he would trust to the generous heart of the right hon. Gentleman and his desire to give the Irish people that which justice required. He had never given countenance to the views or plans of those who wished to transfer the property in the soil of Ireland from the landlords to the tenants, as he thought this could only be attended with disastrous consequences. Security of possession would meet the demands made by public meetings and farmers' clubs in Ireland. Much had been said respecting valued rents; but if such a system were established, he believed it would lead to litigation and be ruinous to the country. An Amendment had been presented to the right hon. Gentleman at the head of the Government by a deputation, headed by Lord Bellew. That document contained a suggestion that rent should be paid according to value, which might be ascertained by arbitration. The suggestion had met with general approval in Ireland, and if adopted by the Government would dispense with the 12th and 14th sections of this Bill. The right hon. Gentleman the Under Secretary for the Colonies (Mr. Monsell) had stated that the 3rd section was one for giving pure and simple compensation for disturbance of occupation. But that was not the fact, for it mixed up compensation for disturbance of occupation with compensation for improvements; and to that he entertained a very decided objection. The proper title of the clause would be "Penalties for Capricious Eviction." There ought to be a clause giving compensation for disturbance alone, and it ought to contain a maximum and a minimum for the guidance of the assistant barristers. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had commented on the fact that while almost every Irish Member stated objections to the Bill they all announced their intention to support it. The fact that a meeting of Irish Members had decided that the Bill would not be acceptable to the people of Ireland unless large amendments were made in it would perhaps account for the course they had pursued in supporting the Bill and speaking upon the clauses. Unless the law of distress were abolished, the 8th section of the Bill might be turned into an engine of oppression. He had a strong objection to another part of the Bill. He referred to the 10th and 16th sections, which enabled the landlord to escape the penalties of compensation by granting leases in certain cases. It might happen that the tenant having applied to the courts for compensation after eviction would, on ascertaining the amount to which he was entitled, sell off his cattle and prepare to go abroad, in confident anticipation of receiving the amount of the award. But when the Judge's order came it would be competent for the landlord, under these sections, instead of paying the money to tender him a thirty-one years' lease. Thus the tenant would find himself without any means of cultivating the farm, and, in fact, almost a beggar; and the consequence would be that in a year or two he would be evicted for non-payment of rent. There was no part of the Bill to which the Irish people more strongly objected than these sections; and why, he would ask, were these clauses retained in a Bill which they were told was to pacify Ireland and make its people contented and prosperous? He could only conjecture that they were retained in the Bill in order to enable landlords in Ireland after twenty-one or thirty-one years to evict any number of their tenants they pleased. He trusted that these sections, at all events, would be expunged. He was surprised that objection was taken to the clause giving compensation for past improvements, which had already been carried in the House of Commons by a majority of 2 to 1, and which had received the support of Lord Chancellor Napier and of Lord Cairns. It might not be known to hon. Members that a provision for compensation for past improvements was approved by the House twenty years ago, and supported by all the leading statesmen on the other (the Opposition) side of the House. Yet, now, objections were raised to the clause in the present Bill for that purpose. He had received innumerable letters from men of station and property in Ireland expressing dissatisfaction with this Bill, and he agreed fully and entirely with them, because he believed that if the Bill passed in its present shape it would not give satisfaction. At the same time, he believed that it would be possible to avoid this result by substantially amending the measure, and he hoped that the Government would give some indication that such Amendments would be proposed, because it was of great importance that there should be no division against the second reading. He was sorry to hear last night the hon. Member for Richmond (Sir Roundell Palmer) say—

> "That evidence proves that such ruffians not only draw no distinction between evictions for non-payment of rent and eviction for any other cause."

That statement did injustice to the Irish people. He (Mr. Downing) believed—and he might quote the testimony of the greatest authorities, from Sir J. Davies down to Master Fitzgibbon—that the people of Ireland were a people that loved justice and were grateful and moral. In conclusion, he would again express his deep regret if there should be any division on the present occasion, and he appealed to the hon. Member for Kilkenny (Mr. Bryan), if there should be an indication on the part of the Government to make the necessary Amendments, not to press his Amendment to a division. But if such indication were not given and there was a division, he (Mr. Downing) should certainly feel bound to vote with his hon. Friend; and he hoped, whatever might be the duration of his Parliamentary career, that he should look back upon that vote as the proudest which he had ever given.

Mr. DISRAELI: Sir, we are called upon to read the second time a Bill to amend the law respecting the owners and occupiers of land in Ireland. It is not an agricultural Bill; it is a political Bill. I do not use that epithet in the sense which my right hon. Friend the Member for the University of Dublin (Dr. Ball) used it some few nights ago in his admirable speech. I do not mean to say that it is a revolutionary Bill; but it is a Bill the object of which is, not to improve the cultivation of land, but to improve the relations between important classes of Her Majesty's subjects. Now, Sir, a Minister who would come forward and propose to deal—to meddle, I would rather say—with the relations between landlord and tenant, would undertake a task from which I think the most experienced and most resolute man would shrink, unless there was an urgent necessity of State for doing it. I myself acknowledge that the circumstances of Ireland are such as not only to justify the Minister but to call upon him to ask the attention of Parliament to this question, and invite it to come to some decision upon it. Sir, I will not enter, or attempt to enter, into the long catalogue of the various and complicated causes which have brought Ireland, so far as the relations between the proprietor and the occupier of the soil are concerned, into such a position that it becomes the duty of the Minister and of Parliament to legislate, or propose to legislate, upon the subject. But although I shrink from, and, from fear of wearying the House, avoid that topic, I may be permitted, I hope—speaking, as I trust I shall to-night, with the utmost impartiality, and not appearing here, as some hon. Gentlemen do, as the advocate either of the tenant or of the landlord in particular—I hope I may be allowed to congratulate the landlords of Ireland upon this—that the result of all these investigations, of this protracted discussion, and of the scrutinizing mind of the public of this country being brought to bear on this subject, has been that it has greatly cleared their reputation and strengthened their position. They cannot be accused of rapacity who, it is proved, receive a lower rent than the landlords of England; they cannot be accused of ruthlessness when the solitary instances with pain and difficulty brought forward against them are instances of a very few men of crazy imagination and conduct; and if we were to make a selection in England in the same spirit, we might, perhaps, find a few individual proprietors influenced by similar feelings. In the result there would be the same amount of justice, and the same honour to the discoverers of the exceptional instances. I may be allowed, if indeed it be necessary, to remind the House that this is no new question. It has now been in some degree under the consideration of Parliament and of the country for many years. I do not mean to say that the period which has elapsed since it was first mooted as a Parliamentary question has been one, considering its importance and magnitude, that may be deemed unreasonable. It is a habit of this country—a wise and salutary habit, which guards us from precipitate legislation—that a question should be fairly discussed and understood, not merely by Cabinets and Councils, but by the nation altogether, before we give it the final seal of permanent legislation. Sir, we have had many references, in the course of the interesting debate which the Motion of the right hon. Gentleman has produced, to important documents, such as the Bills brought forward by Ministers who have at various times endeavoured to bring this great controversy to a favourable and satisfactory termination. But I am surprised that during this protracted debate such very slight and casual reference has been made to a document which, after all, is more important than any Bill that has ever been proposed by any Minister, and that is the Report of the Devon Commission. From the moment that the Report of the Devon Commission—which was proposed to Parliament by one of the most eminent statesmen of this country—was laid on our table, some legislation upon the relations that existed between landlord and tenant in Ireland seemed to be inevitable. From that moment it became a public question, and one of the highest interest. I grant, Sir, that there were some persons who were then of opinion that, by the consequences of that dire calamity, perhaps the greatest and most awful visitation of the century which occurred in Ireland—the famine—that by the great reduction of the population of that country, some of the difficulties, and those the most important, with reference to the condition of Ireland might have been removed as regards the tenure of land. But, although the population of Ireland was so largely reduced, and although in consequence of such reduction the competition for land was equally diminished, and for a time, and a very brief time, some solution of the difficulty was recognized in those circumstances, still the famine in Ireland brought about another great event in the social condition of that country—namely, the creation of a new class of proprietors of land, which prevented that alleviation of the difficulties that was anticipated, and which in a certain degree ultimately aggravated them. We must remember that by the encouragement of England, at the invitation of its Ministers and by the legislation of Parliament, Englishmen and Scotchmen were invited to invest their capital in the purchase of the land of Ireland. We must also remember that at that period it was also impressed upon the country, in the spirit in which the present Bill has been drawn and proposed, that the relation between landlord and tenant ought to be a purely commercial relation; and unless it was such no satisfactory result could be obtained. The consequence of this was that a great body of proprietors, men of capital, sense, and science, entered into a bargain at the invitation of the State, which they, on their part, have rigidly fulfilled. They no doubt introduced a treatment of those who were dependent upon them, as regards the tenure of land, very different from that which was expected by those who had so long enjoyed the facility and forbearance of the old Irish landlords—that body of men is now denounced, and their ruthlessness and rapacity are held up to public odium. Sir, the right hon. Gentleman the Member for Liskeard (Mr. Horsman) said last night that from the moment the Report of the Devon Commission was issued this all-important question was trifled with by successive Ministries. That is a very grave accusation to make against public men. Having been connected with two Ministries who have endeavoured to deal with this question, who have given to its consideration great thought and labour, and who were prepared to stand or fall by the measures which they introduced, I must—though I hope with good temper—utterly repudiate the imputation of the right hon. Gentleman. And I am bound to say from what I know of public life, such as I can observe from my seat in this House, I have no reason to believe that those who sit opposite to me, and who in the course of their career have also been responsible for Bills to establish more satisfactory relations between landlords and tenants in Ireland—I say I do not believe that they were animated by any other spirit than we were. Sir, I cannot for one moment believe that they trifled with this question; but, on the other hand, I am confident that they gave to it all the pains which learning and research could bring to the solution of this difficult question, and that they were prepared to exert the utmost of their Parliamentary influence to carry the result of their deliberations into effect. The right hon. Gentleman the Member for Liskeard was himself, I believe, Secretary to the Lord Lieutenant for no brief period. I never understood that he introduced any Bill with regard to the land of Ireland, or indeed brought in any Bill upon any subject whatever connected with Ireland during his term of Office. But we never placed upon the conduct of the right hon. Gentleman that uncharitable interpretation which he has been pleased to place upon the conduct of those who fill both this and the opposite Benches, who did attempt to deal with this question. Both sides of the House acknowledge that the right hon. Gentleman the Member for Liskeard is a superior person. When he did not introduce a Bill upon the Irish land; when he did not, during his tenure of Office, introduce a Bill upon any subject whatever in connection with that country; when, on quitting Office, he informed us, to my wonder and surprise, and especially to the astonishment of the Earl of Mayo, that he had not brought forward any measure on any subject whatever because he found that his Office was a complete sinecure, we, still knowing what a superior person the right hon. Gentleman was, did not put an uncharitable interpretation on his conduct, but said—"This is a part of some profound policy, which will end in the regeneration of Ireland and in the consolidation of Her Majesty's United Kingdom." Now, Sir, let me remind the House of what they have probably forgotten—namely, what was proposed in reference to this subject by the Government of 1852, with which I had the honour to be connected. We laid upon the table of the House four Bills, forming a complete code as regards the land of Ireland. I can describe those four Bills in a sentence. They adopted every recommendation of the Devon Commission. Sir, if those Bills had passed we should not now have been discussing the measure of the right hon. Gentleman opposite. Circumstances, however, occurred which prevented these Bills from passing. There was a change of Government. Yet, in the interval that elapsed between the end of 1852 and the year 1860, what occurred with regard to legislation in respect of the land of Ireland? Every provision of these four Bills, with one vital exception, passed piecemeal during that interval. The limited owner was invested with power to make improvements, and to charge them upon the inheritance. That was a leading principle in one of the four Bills which I have said were laid upon the Table. Before two years it was passed. The leasing powers of the Irish proprietor generally were proposed to be extended. That was passed. The limited owner was permitted to enter into contracts with the tenant. That was passed. A consolidation and code of all the laws relating to landlord and tenant in Ireland was successfully passed by Sir Joseph Napier, although in Opposition, in 1860; and that code and consolidation includes many valuable amendments of the law. The particular Bill which we brought forward in 1852, which would have regulated the relations between landlord and tenant in Ireland, was referred, after the fall of our Government, to a Select Committee. The labours of that Select Committee I will not dwell upon, because it would weary the House, and time will not permit. They experienced various complications and many strange vicissitudes; but this was the result—every provision in the Bill that we brought forward to regulate the relations of landlord and tenant in Ireland was adopted by that Committee, with one vital exception, and a Bill was at last passed in 1860 to regulate those relations, with the omission of what I consider to be a vital clause in the Bill of 1852—namely, that which gave compensation to the tenant for improvements, and retrospective compensation. I might have dwelt longer on this matter, but that I believe to be a fair and candid description of the proposals we made. And I say, that the Government which made these proposals ought not to be subjected to the careless taunts of a Gentleman who has been absent for some little time from the House, and comes back to denounce public men who have given most laborious hours, and incurred heavy responsibility in connection with this subject, and who ought not to be told that successive Ministries have trifled with this question. I was in favour, in 1852, of giving compensation to the Irish tenant for his improvements, and within due limits, and with necessary conditions of prudence and discretion, I was in favour of retrospective compensation. Sir, I am still of that opinion. I believe that in retrospective compensation there should be a term fixed—moderate and reasonable, but not of too great duration—and that it should extend to all objects, without any exception. But, Sir, I regret to say—and I say it in passing, for hitherto I have not touched on the present Bill—I do not approve of that provision which would assume that all past improvements have been made by the tenant instead of by the landlord. Indeed, with such a condition I could not entertain the proposition to provide for retrospective improvements. Sir, it appears to me, though this is hardly the moment to touch upon the subject, and therefore I will advert to it only by a word, that the wisest course in that matter is to fix the *onus probandi* upon neither party. I am quite certain that as respects the landlord, it would act in a spirit of great injustice; it would require him to do things which he could never have anticipated that the law would have called on him to do; and with one bailiff who is dead, and another who is absent, without register or record kept of what has occurred, to ask him now to accede to a proposal which is novel—I will not say irregular, but certainly one of which this country has little experience—it is to my mind a most impolitic act to bring forward that proposition with respect to a subject upon which I hope now there is generally a mutual agreement. Now, I find that this great question of compensation for improvements, especially retrospective compensation for improvements, which was included in our land code of 1852, is now proposed and conceded by the Government in the Bill before us. Well, Sir, that alone, in my mind, is a sufficient reason why I should assent to the second reading of this Bill. And here I would say one word before I proceed further with respect to the position in which Gentlemen on this side of the House are placed by assenting to the second reading. I understand by assenting to the second reading of the Bill that I assent to its principle; and I look upon its principle to be an amendment of the laws relating to the occupation and ownership of land in Ireland. [Sir COLMAN O'LOGHLEN: Hear, hear!] I do not know what the Judge Advocate General means by his cheer. I think he made a most indiscreet and inconsiderate observation when he fixed upon three provisions of the Bill, respecting which he must have anticipated there must be great controversy; and, representing the Government, said—"These are the three principles of the Bill, and every Gentleman who votes for the second reading is pledged to those principles." The consequence of the speech of the Judge Advocate was, as I am told, that several much respected Members of this House, whose votes upon this subject I should have been very glad to have seen arrayed on the same side with mine, quitted the House. Such is the result of a speech made by a man of talent, placed for the first time in a position to which he is unaccustomed. Now, Sir, I have explained to the House, and I believe every Gentleman on this side of the House understands, the principle of this Bill. It is that we are prepared "to amend the law relating to the occupation and ownership of land in Ireland," and, when we go into Committee, we shall consider its provisions. So far as my position is concerned, I might stop there. I might have remained silent but for the speech of the learned Judge Advocate; and the right hon. Gentleman could not with reason complain if, when we went into Committee, he was met by Amendments for which he is not prepared. But, Sir, I think it better that we, not objecting to the second reading of a Bill of the vast importance of the present, should indicate the great points on which we think there is difference between us and the Government, and thereby indicate the course that we shall take in the scrutinizing labours of the Committee, and perhaps induce the Government, before we can reach that ceremony, to consider their position on those points, and meet us in that spirit of compromise which I flatter myself may distinguish our general labours in Committee. Therefore it is that, having guarded myself against the rash conclusions of the Judge Advocate, I will very briefly mention the points on which I have grave doubts at present, and on which, so far as I am advised, I shall feel it, as others will feel it, my duty to ask the Government to reconsider their position; or, if they will not do so, to appeal to the wisdom and patriotism of the Committee in which we shall soon find ourselves. And now, Sir, the first point on which I had very grave doubts is as to the propriety of that proposition of the Ministry which relates to what is called the Ulster custom. It is appears to me impossible that the Bill can pass with regard to this part of the subject in the form in which it is framed; but the objections which I have are so very grave that they are objections to the principle, and it is my duty to place them at once before the consideration of the House. What is this first clause of the Bill, respecting the legality of what is called the Ulster tenant-right custom? It is neither more nor less than asking Parliament to legalize the private arrangements of every estate in the North of Ireland. What is the Ulster custom? No Gentleman has pretended to tell us. There is no such thing as an Ulster custom. There are a variety of customs as respects tenant-right in Ulster, as there are a great many such customs in the other parts of Ireland, but there is no Gentleman who can tell us what the Ulster custom is; and this is so obvious and acknowledged that we have absolutely a Notice on our Paper at the present moment in which an hon. Member for the first time attempts to make a definition of the Ulster custom, and asks Parliament to consider it. Now, Sir, I conceive that the utmost difficulty, not to say impossibility, lurks in the course which the Government are recommending us to take on this subject. I see no termination to the controversy, nor can I see what settlement even the highest authorities can bring to bear upon this subject, because their decision upon any one case will not decide another case, for the reason that the circumstances which will be brought before the authorities will be ever varying. In my mind there is a complete fallacy in the argument that has been offered in the course of this debate by several Gentlemen; and recently —I remember it better because it is recently—by the Judge Advocate General, who says—

> "Why, all we ask is that you should do in Ireland what you have done in England. You have legalized the custom of tenant-right in parts of England, why should you not legalize it in parts of Ireland?"

The right hon. Gentleman did not see, or would not acknowledge, that there is a vital difference between the two instances. The very language which we use upon this subject in this country indicates the difference. My hon. Friend the Member for Lincolnshire (Mr. Chaplin) in his able speech gave us a picturesque, an animated, and a true account of the admirable tenant-right which exists in Lincolnshire. But what is it called there? It is called there, as in other parts of England, the "custom of the country." Everybody knows it as a custom because it is ancient, because it existed before the memory of man, because it is prescriptive, because it is certain, because it is the custom of the country, and also the common law of England. But is there anyone who can get up in his place in Parliament and for a moment pretend that these qualities attach to any private arrangements that exist in Ulster. No one pretends that there is any custom of Ulster. There is no prescription, because it is not ancient; there is no certainty, because it varies under every rule. Then I want to know in what manner you will deal with this question of Ulster custom. Besides, even if it were a custom, I very much doubt the propriety as a general principle, of legalizing customs. The moment you legalize a custom you fix its particular character; but the value of a custom is its flexibility, and that it adapts itself to all the circumstances of the moment and of the locality. All these qualities are lost the moment you crystallize a custom into legislation. Customs may not be as wise as laws, but they are always more popular. They array upon their side alike the convictions and the prejudices of men. They are spontaneous. They grow out of man's necessities and invention, and as circumstances change and alter and die off the custom falls into desuetude, and we get rid of it. But if you make it into a law, circumstances alter, but the law remains, and becomes part of that obsolete legislation which haunts our statute book and harasses society. Therefore I say, as a general principle, I am against legalizing customs. You cannot, if you are to legalize custom, legalize the custom of Ulster, because it does not exist. But if it did exist, what is the reason that you should have special legislation for the custom of Ulster? These agricultural customs exist in other parts of Ireland; you have provided for them in your Bill. Why should there be two clauses—one for the Ulster and one for the other customs? Protesting against legalizing customs, I say that, if the House in its wisdom decides upon that course, it will be expedient to get rid of this special legislation for Ulster, and to support a general clause upon the whole subject of legalizing the agricultural customs of Ireland. I now proceed to another part of the Bill, of which I entirely disapprove, and that is the compensation that is to be given for occupation. We have heard many objections to the principle of the clause. I may touch upon them, but I wish at once to state the reason why I particularly object to that clause. It is not upon the interest peculiarly of the landlord that I found my objection. My objection to this clause, which, at the first blush, recognizes property in occupation, and which, therefore, I am not surprised has alarmed many Gentlemen, is, that this is a proposition which terminates at one fell swoop all moral relations between the owner and the occupier. Although some years ago we used to hear a great deal upon the subject, I doubt very much whether you can convert the relations between landlord and tenant into a purely commercial relation. There is something, I think, in the nature of the property itself—something in the inevitable consequences of local circumstances and local influences, that would always prevent such a consummation. And as far as I can observe or have learnt, these circumstances have prevented the establishment of a purely commercial relation even in Scotland, where the experiment would appear to have been tried under most favourable circumstances. But of this I am sure, that it is a relation that never could be established in the case of circumstances such as mainly exist in Ireland. If ever there was a state of society in which the relations between the landlord and tenant should be paternal, it is in a country where you have farmers of an acre, and where a man pays you, as my right hon. Friend (Mr. Gathorne Hardy) mentioned last night, 40*s.* for his annual rent. Now, Sir, this clause, in my opinion, terminates all moral relations whatever. No doubt, there may be some Gentlemen—and those probably who have least considered the subject—who will be surprised to hear that there are moral relations existing between landlords and their tenants even in the extreme South of Ireland. But among the most important moral relations between these two classes is exactitude in demanding and paying rent. Sir, moral qualities of a very high order are developed when the tenant does not pay you rent. Forbearance in its most Christian aspect may then be exhibited in a manner that may claim the respect and admiration of society. There is no body of men who require forbearance to be shown to them more than those small Irish tenants. In what position towards them do you now place the Irish landlords, to whose kindness and sympathy the tenants hitherto have preferred a claim? An industrious man, a hardworking and good man, is overcome, we will suppose, by those vicissitudes of seasons which Ireland is not exempt from, and he applies—as others have applied before, and not in vain—to the distinguished facility and good nature of the Irish landlord. But the landlord naturally asks who is the man who thus comes to him with a claim for consideration. The relations that once existed, the relation of patron and client—a relation that, truly conceived and generously administered, is one of the strongest elements of the social system—no longer subsists. And the landlord says—"This man, who comes and asks me to exercise all the higher qualities of human nature—this man, under the law as it has now been constituted, is a man who is no longer my tenant, but my co-parcener. He may to-morrow, by the decision of some person that I have never heard of, claim seven years' rent from me, to be increased by at least three years' more rent if he leaves me unexhausted improvements, of the existence of which I am not even conscious. The value of my estate is only twenty years' purchase; he has, consequently, as much interest in the estate as myself. Why, then, should I suffer inconvenience and loss, or forbear from vindicating my rights?" I say that this appeal of a tenant, under circumstances such as I have described, would be one of the very last which was calculated to touch the heart of a proprietor. But this is the position in which you propose to place landlord and tenant for the future, terminating all those moral relations which have prevailed, and, even in the most unhappy times, have been extensively exercised. There are those who also object to the clause because, in their mind, it converts occupancy into property. If that were the case, the objections to the clause would be so strong that I could not bring myself to support it. But I have placed a different construction upon the clause—the same which was expressed with so much clearness the other night by my right hon. Friend the Member for the University of Dublin (Dr. Ball), who looked upon this as a constructive contract, which, though there was no lease between the landlord and the tenant, secured to him an equity and the opportunity of having complete cultivation of the land. That he could not have in a year or six months; and that may be a fair ground for giving the person who loses his occupancy a liberal compensation, though it appears to me that, under these circumstances, the compensation suggested by the right hon. Gentleman would be excessive. Well, Sir, there is another point on which I wish to make a remark, and only one. It is a subject which must engage our attention by-and-by, and that is the proposition of the right hon. Gentleman in this Bill to make advances of public money for a variety of objects. Now, I am not prepared to say that it is not quite justifiable on the part of the State occasionally to make advances for the benefit of a class, with the conviction that in benefiting that class you are bringing advantage to the body politic generally. Under such circumstances, however, we have a right, I think, to look to these two considerations—that the advances should be made with good security, and that they should be made for a beneficial object. Now, Sir, I will not go into the variety of quarters to which, if this policy is admitted, under this Bill, advances may be made; but with regard to the tenant I must at once say that I greatly object to advances to the tenant in Ireland in order that he should purchase the freehold. Our great object, as it appears to me, is to make the Irish tenant more efficient—to make his tenure more secure, as secure as we can without trespassing on the legitimate rights of property—encouraging him to dedicate and devote all his resources to the cultivation of the soil. That is, I think, our great object. You appear to me to deviate from that object if you induce the tenant to divert a portion of the capital which he ought to dedicate to the cultivation of the soil to the attainment of another and quite a different object. It appears to me no policy can be more unwise than that, the tendency of which is to make at the same time of one man an inefficient tenant and a poor proprietor. Now, Sir, I well know that in a Bill for which I have a share of responsibility, and the full responsibility of which I am ready to take—the last Land Bill produced by the Earl of Mayo—there was a provision to make advances to tenants under certain conditions; but what was the object of those advances? the object of those advances was to assist the tenant in a better cultivation of the soil. These advances were made for drainage, for building, for fencing; and by these advances you really increase the capital devoted to the cultivation of the soil. You render the tenant more efficient; you give him greater power and the opportunity of reaping greater profits. That is not the result of the proposition of Her Majesty's Ministers in this case, and I will not relinquish the hope that when that question is fairly discussed in Committee, and when Her Majesty's Government have given to it further consideration, and become better acquainted with the feeling of the House, they may be induced to withdraw that part of the measure. This, Sir, brings me to a point which has been noticed in this debate, which is a very important one, but which does not appear to me yet to have received all the attention it deserves—and that is, the purchases under the Landed and Encumbered Estates Acts. The defence by the Secretary to the Lord Lieutenant the other night of the course recommended by the Minister on that head was to me eminently unsatisfactory. It depended entirely on the quotation of what Judge Longfield wrote in a tract, I believe, recently published. Sir, I have great respect for the authority of Judge Longfield; but it did not appear to me, as I listened to the quotation, that it applied to the particular instance before our consideration at present, and I have since learnt, referring to the volume, that that is the case. There is no doubt that the purchasers under the Landed and Encumbered Estates Acts are not in any way debarred from the future taxation of the country, or the calls upon them which may be demanded by the necessities of the State and the nation at a period subsequent to those purchases. There is no doubt of that. No one would for a moment contend that because they purchased their estates in those courts and had a Parliamentary title, they were to be exempt from any demands which the wisdom of Parliament might call on them, in common with other property of the country, to meet. But that gives only an entirely incorrect view of the question before us. I do not know whether Gentlemen on either side have seen a conveyance under the Landed and Encumbered Estates Acts in Ireland. If they have not, it is a piece of information they can easily obtain in the interval of this time and the Committee, and they will find it extremely instructive. Now allow me briefly to describe what a conveyance is under the Landed Estates Act. It is the shortest conveyance in the world. It is a Parliamentary title, and it is given in a few lines. But it contains a guarantee; and what is that guarantee? That guarantee is a guarantee from the State against any other than the claims which are contained in a schedule engrossed and printed on the very deed of conveyance. Now, what are those claims in this schedule? Listen. These claims are the claims of the tenants on the estate. Every tenant is called upon to make his claim and send it in to the court before the conveyance, signed with his name, and from these claims that schedule is drawn up. The purchaser receives a guarantee of his property free from all claims, except the scheduled list of the claims of the tenants, drawn up by themselves, which is on the very side of the conveyance. And how is it possible to contend that under such a guarantee you now can call upon the purchasers to satisfy claims of these very tenants, which, according to your projected Bill, existed at the time of the purchase and even previous to the purchase? It may be most wise and expedient, if you do legislate in this manner, that tenants under these purchases should enjoy the same privileges as other tenants. That is a point I will not now argue; but it is quite clear that under those circumstances the new proprietor must be entitled to compensation, and you cannot move in this business without compensation. This is a matter which must be decided by lawyers, and I do not pretend to give an opinion on such a subject which shall be definite; but what I want to do is to put before the House the real state of the case, in order that you may understand that if there be a guarantee of this kind the guarantee must be fulfilled. And no quotation from a treatise by a Judge, writing on totally different questions, which may very easily be brought forward in debate, can settle a question of this grave and precise character. Much depends in this matter on the tribunal which will carry this Bill, if it become law, into effect. The Secretary of the Lord Lieutenant the other night boasted of the simplicity of this measure. He said that for simplicity there had never been a Land Bill equal to it before, and of its simplicity he appeared perfectly proud. Now, without giving any final or general opinion as to the merits of the measure, this much I will venture to say, that a more complicated, a more clumsy, or a more heterogeneous measure was never yet brought before the consideration of Parliament. What moved the right hon. Gentleman to get us into all these intricacies in reference to Ulster? "What's Hecuba to him, or he to Hecuba?" Why should he have made arrangements with regard to the three other Provinces, and brought them in collision with this more favoured Province? We have had to-night a detailed account from the hon. Member for Galway (Mr. W. H. Gregory) of the principles on which a Bill upon this subject should be founded; and I am going to give my model of a Bill, and its recommendation shall be simplicity and brevity. I mention this in a whisper across the table, in the hope that the right hon. Gentleman opposite may consider the proposal, and leave all the customs of Ireland alone. They are very effective at the present moment. If you legalize the custom, the chance is that you diminish the moral incidents of the arrangement without practically increasing the legal power. It is better to leave those incidents to work their way, as they have hitherto done with very general satisfaction. But if a man without a lease, and who had paid his rent, is evicted, why, let his case go before the tribunal you shall appoint; let the Judge investigate all the elements of the equity of the case; and let him come to a decision which on one side shall guard the tenant from coercion, and, on the other, preserve the landlord from fraud. Why cannot you do this? You are going to create a tribunal. Then create at once an efficient tribunal, and delegate to it the authority I have mentioned. It would not be so great a violation of the principle of property as these complicated provisions before us. Then you would have a simple piece of legislation, and one which, I believe, with a few provisos and additions, would satisfy the necessities of this difficult question. What, however, should the tribunal be? I must say I have great doubts as to the manner in which the tribunal proposed by the Bill is intended to be formed. I will not now go into the question of the courts of arbitration; though I gathered, from the mode in which the right hon. Gentleman the Prime Minister spoke of them, that he has great confidence in those courts. I know it is a method which recommends itself to his generous and susceptible nature; but, acting upon my own feelings, I should not like to go to those courts. Though the conception recommends itself by the amenity of the design, I cannot believe that practically, in the present state of Ireland, they will be found to work with very great felicity. But if you do not succeed in your arbitration, you then go to another person, and that other person, in masquerade and donned in a graceful dress, is our old friend the assistant barrister. I have heard of him for many years, and in my time he has done a great deal of service. Well, the assistant barrister is a resident or non-resident. [*A cry of* "Non-resident!"] I am told that in consequence of the state of Irish society he is always careful to be non-resident. The non-resident assistant barrister, educated in the Four Courts, acute and intelligent, is sent for to decide these questions between landlord and tenant, and, probably not being able to distinguish at first glance between a grass field and a field of young oats, is required to decide on all the conditions and circumstances of rural life, to enter into protracted accounts, and come to a determination on a matter in which considerations even of "moral conduct" may largely enter. Well, Sir, I cannot think myself that the assistant barrister, with that ignorance of country life which is an unfortunate incident of his position, is a person qualified to perform those first duties; but if he perform those first duties in a manner unsatisfactory to either party, that party will have the power of appeal—and, on appeal, the matter will be brought before the Judges of Assize. Well, Sir, that sounds very grand and very satisfactory. There are few Gentlemen on this or on the other side who do not know something of assizes and of the Judges of Assize. The Judges of Assize are men whose every hour and half-hour is mapped out before they embark on their great enterprize. The Judges of Assize are on Monday in this town, on Wednesday in another town, and on Friday in a third. They are followed by an excited and ambitious Bar, with their carriages and the railways full of briefs — full of the great trials which are coming on — causes which have engrossed and excited an anxious society for months, and from which they are to gain immortal honours—to be returned for boroughs, to be made Solicitor Generals, and to rise to the highest positions on the Bench. Well, when the Judges come to the first town where those great exploits are to be fulfilled and those great feats accomplished, where multitudes are waiting to receive them, and where the galleries are full of ladies—particularly if the cases are of a delicate character—all this great business is to be arrested because the first cases to be brought before the Judges of Assize are appeals from the assistant barristers on the relations between landlord and tenant in Ireland. Why, Sir, we know very well what will happen. Those appeals will demand from the Judges of Assize the concentration of their whole intellect. They will have to investigate the circumstances of a mode of life with which they are little acquainted, and which their acuteness alone will enable them to detach from the entanglements of local lawyers. They will have to go into accounts; and they will have, in the language of this Bill, to do that which Judges of Assize will do with great care and the most solemn sense of responsibility—to enter on the "moral conduct" of the parties, and see how far that "moral conduct" affects the contract between landlord and tenant. And what will happen? Either their whole time will be taken up with this duty—or what is more likely, the duties will be performed in a most unsatisfactory and perfunctory manner. You know something of this now in Ireland. You have an appeal from the Civil Bill Court to two Judges of Assize; and is that which takes place when those appeals are made—a satisfactory mode of administering British justice? No. Matters are hurried over, and questions are decided in a manner that gives little satisfaction; and every person present, except the suffering plaintiff or defendant, is delighted, because they are dying to hear the blazing eloquence of the great counsel who are ready to open causes, with which these questions from the Civil Bill Court interfere. Therefore I think, whether I look to your primary court or your court of appeal, the prospect is unsatisfactory. I know it will be said that nothing can be more unwise than to establish a new court for the trial of those cases; it will be said that it is the inveterate habit of a new court to make business. I agree that it is so. If you create a new court, in order to justify its existence, and, perhaps, to increase the salaries of its officers, it will do its duty with such fatal enthusiasm that there will be no end to litigation. I do not propose a new court. I ask the right hon. Gentleman to leave out the first two clauses, to allow customs to work their beneficial and more convenient way as they do at present, and to permit the tribunal to decide on the equity of the case before it in the manner I have described. I believe that Judges whom you may send down, as we do in this country, under the last Election Act, would perform those duties satisfactorily. No man rates more highly than I do the learning, the eloquence, and the character of the Judges at present on the Irish Bench; but I believe their learning could be more devoted to the public service; and I wish their eloquence and their high character could exercise a greater influence on public affairs. In fact, I must express my honest opinion that the Judges in Ireland, with all their learning, eloquence, and high character, are not sufficiently employed for the benefit of the State and their own happiness. They might give to those questions all the learning and solemn authority which they require; and I think in that way you have a tribunal which would obtain the confidence of the country. There is one point more on which I wish to say something. I believe it is a most difficult one; but I cannot help thinking that the more it is discussed and considered, the more public opinion and the opinion of this House will lean towards that result at which I coufess I myself have arrived —namely, that it will be most unwise on the part of Parliament to interfere, as this Bill proposes to do, with the freedom of contract in Ireland. Sir, we have always regarded freedom of contract as being one of the greatest securities for the progress of civilization. Just the same as we should say that the suspension of the Habeas Corpus Act may be necessary sometimes for public safety, so we may say that when a country suspends its freedom of contract the State must be in a most dangerous or diseased condition. I cannot bring myself to believe that the condition of Ireland is such as to justify us in adopting what appears a permanent departure from one of the cardinal principles of a free and progressive State. I think we ought to hesitate before we adopt such a course. I feel the difficulties which the Government have to encounter in dealing with this question. I am perfectly ready to consider it in any way in which we can possibly advance their general policy, without compromising what I must look upon as a sacred principle. I think the House ought to discard all pedantic scruples and all party feeling in dealing with existing circumstances; and I think we should be prepared, as far as existing circumstances are concerned, to support the general policy of the Government, and not to hesitate, even when we believe that it touches upon and injures general principles which we may consider of vital importance in the government of the country. But, although the exigencies of the State situation may demand and authorize such a course, that is perfectly different from our going out of our way permanently and completely, and announcing that Ireland is in such a condition that we cannot allow the two most considerable classes in the country—for the landlords and the tenants are, after all, the two most considerable classes in the country—to enjoy the first and most beneficial privilege of civilized life. Sir, I know very well with regard to this most important subject that the right hon. Gentleman may remind us of the present peculiar condition of Ireland. I, for one, am not insensible to the very great inconvenience, the more than inconvenience, the great injury to the House of Commons and to the State of having to discuss this Bill and to decide upon this question in the present state of that country. I wish very much that the condition of Ireland now was what it was when we brought in our Bill on the subject of the tenure of land in 1852. I do not blind myself to the condition of that country nor to the effect that that condition may have upon the Legislature; and it is against that effect that I should wish particularly to guard the House. I have not myself pressed Her Majesty's Ministers upon that subject, although it is one that engrosses, and naturally engrosses, the public mind of England. But, whatever I may feel upon that point, I cannot doubt that there is one person in the country who feels it even more keenly still, and that must be the right hon. Gentleman upon whom rests the responsibility for the general condition of the country. I do not share the belief which some of my hon. Friends appear to entertain, that Her Majesty's Ministers could be insensible to the duties which the immense difficulties of the country now present. I could not allow the memory of old struggles connected with Ireland to induce me for a moment to press Her Majesty's Government to arrive at any precipitate conclusion upon a subject which demands the gravest, I may say, the most agonizing consideration that a statesman could give to a public question; because to interfere in such a condition of affairs, and to interfere inefficiently, is what any public man who deserves the confidence of his Sovereign and of his country would shrink from with a natural feeling of distress and of terror. But, Sir, we cannot avoid, now that this question is before us, touching upon these subjects, although I trust that I shall always speak of them with temperateness and moderation. It is not the language of persons on either side of this House that upon these matters now arouses and alarms the nation. It cannot be said, if a statement is made as to the condition of Ireland, that it is a prejudiced or a hot-headed partizan who has made some unauthorized statement susceptible of easy explanation by a Minister. Sir, we have had before us recently, within only a few days, the gravest document almost that any country ever produced, containing descriptions of Ireland by men qualified by their high station, by their perfect freedom from all party passion, by the eminence of their august position, and by the consciousness of their solemn duty, to influence the opinion of the nation and of Parliament. Those Charges have been noticed in this House, but the attention of this House has only been incidentally called to them, and I must say that I regretted that the right hon. Gentleman the other night, when the Charges of the Chief Justices of Ireland were alluded to, should have thought it consistent with his duty, with the stern reality of facts, to carp at expressions and to extract some petty sentences with the object, if he had an object, of conveying to the House and to the country that the country and the House had taken an exaggerated view of the state of Ireland. I confess that when these two Charges of the Lords Chief Justices of Ireland first appeared, and were brought incidentally before our consideration, I was touched by a very different feeling, and influenced by a very different emotion, from that which seemed to animate the right hon. Gentleman. Who were these men who delivered these Charges? I sat with them in this House for many years. They had no resemblance to each other, except in their talents and learning, in their high character, and in their candour. One was a Tory of Tories, and the other was a man of extreme opinions, belonging to a party professing the same. One was—it is painful to allude to such a difference, but when you treat of Ireland and Irish political matters you must do so; one was a Protestant and the other was of the Roman faith. And these two men, rivals in politics, connected with different parties in the State, professing different religions, resembling each other, if I may presume to say so, only in that which was excellent and admirable, called upon to fulfil the most solemn duty of their offices, and to represent the condition of their country to their nation and their Sovereign, though viewing that country in different districts, adopted the same views and language and conveyed the same result to an alarmed, and, I might say, an appalled community. Sir, I know well that the condition of Ireland may act upon the decision of this House in the conduct of this Bill. I, who am offering to this Bill no factious opposition, who have given to it, as I promised, a candid consideration, and who, I trust, with the modifications which argument and reason may bring about, will yet be able to give it a cordial support, am most anxious that hon. Gentlemen, on whatever side they sit, will not decide upon the fate of Ireland in these most interesting and important relations of its most important classes in a spirit of panic. Do not let us vote upon this subject as if we had received threatening letters—as if we expected to meet Rory of the Hills when we go into the lobby. No; let us decide upon all those great subjects which will be brought under our consideration in Committee as becomes Members of the House of Commons; for, depend upon it, if we are induced in a hurry and with precipitation to agree to such monstrous enactments as that the Irish people should not have the power, for instance, of entering into contracts with each other, the time will come—a more tranquil and a more genial hour as regards Ireland than the present—when the reproach we shall receive upon the subject will be made from Ireland itself, and they will say of the English people—"They treated us in our hour of difficulty as men who neither comprehended justice nor deserved freedom."

MR. GLADSTONE: Sir, I do not feel it to be any part of my duty on this occasion to attempt an elaborate criticism upon the speech of the right hon. Gentleman. With respect to his closing remarks and his reference to the state of Ireland, although I do not consider myself open to censure for having pointed out on a former evening that the best method of gathering the true purport of a Judge's Charge was to read the document, yet I make no complaint of the general tenour of the right hon. Gentleman's reference to the condition of that country. I need not follow him through the historical narrative with which he commenced his speech, for it is but indirectly related to the present debate; and I only notice it for the purpose of demurring and of withholding my assent to its precise accuracy. With regard to the right hon. Gentleman's Bill, which he has laid before us with the utmost frankness, I do not think either it is at all necessary to make it the subject of detailed consideration; but yet I am tempted to suggest a difficulty to the mind of the right hon. Gentleman. I must grant to him that his conception is marked by at least one attribute of genius, and that is the one which he had most in view—namely, simplicity; for what he says is—"Leave customs where they are, respect freedom of contract, and appoint a Judge who, when a tenant is evicted, shall guard the tenant from coercion and the landlord from fraud." That is the plan of the right hon. Gentleman, and upon it I put to him a single question. Contracts, he says, are to be free. Suppose the landlord contracts with his tenant that he shall not upon eviction go before a Judge, I want to know what, in that case, and subject to that single test, will become of the measure of the right hon. Gentleman? But, Sir, it is a much more agreeable duty to acknowledge, and I do it with frankness, that the speech of the right hon. Gentleman has not in its spirit differed from the general tone of this debate; and the first obligation incumbent upon me is to express not only the high and peculiar satisfaction with which I have listened to many other of the speeches delivered in the course of this discussion—among which, I will venture to mention, if I may do so with proper respect, the speech of the hon. Member for Carlow (Mr. Kavanagh), upon the opposite side of the House, and the speeches of men like my hon. Friend the Member for Tralee (The O'Donoghue), the Member for Kildare (Mr. Cogan), and others, including those who have not found it so much within their power to give a uniform support to the Government—not only to these but to those generally, without invidious distinction, who have taken part in this debate, do I tender, on the part of the Government, our respectful thanks, and acknowledge that although many, undoubtedly, have exhibited in the course of the discussion the germs of what may come to be serious opposition when we arrive at the Committee, yet there has hardly been a speaker to whom I could not venture to say that he has looked at this measure with a sincere desire to accept it as far as his conscientious convictions would admit, and that so far as in him lies he desires to smooth the difficulties that intercept the adjustment of this great and vital question. I never have undervalued, and I do not now undervalue, the serious character of these obstacles; it is only by patient consideration that they can, one by one, be overcome. It is enough for me to say that we now see the way of this Bill, clear and straight, at least into Committee, and that for that amount of progress, achieved as it will be with the general, I would almost venture to say with the unanimous, assent of the House, it is our pleasure as well as our duty to tender our sincere thanks. Having thus discharged a duty of thankfulness, I must also venture to express my satisfaction on a ground somewhat narrower — that a measure such as this, which I admit to the right hon. Gentleman (Mr. Disraeli) to be a complex one, after being subjected for four nights to the acute and searching, though not unfriendly, criticism of the most competent men in this great Assembly, has so well borne the ordeal through which it has passed. Now, Sir, I do not deny that on certain points an impression has been made both on the provisions of the Bill, and on the mind of the Government with regard to those provisions. I will not on this occasion attempt to enter into minute or full explanations upon each clause of the measure, but I will pass with great rapidity over all except those which touch the most vital portions of it. The admissions I shall make are these — The clause with respect to the subletting of gardens to labourers will undoubtedly require further and careful modification in a sense possibly both of restriction and of development. I should be extremely sorry to part with that clause. The clause with respect to the leasing powers has been criticized by many of the representatives of popular sentiments in Ireland, and I am free to admit that I can see particulars in which that clause might be justly amended. The provision that county cess on tenements not exceeding £4 valuation should pass immediately to form part of the liabilities of landlords I think has been attacked in a manner which must lead to its reconsideration. Further, Sir, there is a point of greater importance and difficulty, with regard to which I hope we may be able to effect an improvement in the Bill; and that is, with respect to the mode in which, as the language of the 3rd clause now stands, the two elements of damages for eviction and payment for improvements are mingled together. We have associated them for an object which I think will be appreciated. We were governed in attempting that association by the belief that, as regards the smaller class of tenements, there was much of the produce of the labour of the occupier which might very fairly be considered improvement in relation to his claim to compensation, and yet which it might be difficult to sustain upon the separate ground of improvement as a plea before an arbitrator or a Judge. We shall, perhaps, make an endeavour, without in any degree foregoing our object, to effect a more distinct severance between the two elements of payment for improvements and compensation for loss inflicted by eviction. I will not deny, Sir, that it is quite possible that it may be fit, with respect to those provisions of the Bill which relate to loans of public money for the purpose of promoting purchases or the reclamation of waste lands, to accompany them with particulars that may mark their experimental character, and not leave it to be supposed that they are intended to form part of a permanent and universal legislation. Again, Sir, the subject of the law of distress has been introduced into this debate; and, without being prepared to make any special or particular admission, I may state that I think it possible that in some respects it may be right to consider the present provisions of that law in Ireland, in their bearing on some of the clauses of this Bill, with a view to their modification. Lastly, I do not at all question that the wording of some of the clauses, and especially of the clause which relates to the Ulster tenant-right, may be profitably made the subject of further review; but from the substance of that Ulster clause I must own that the debate to which I have listened has not inspired me with the slightest desire or disposition to depart. Making these admissions, I will now refer to the objections I am not prepared to admit, and venture to offer some slight comments on the more prominent arguments which have been made against the Bill in the course of the debate. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) appears to me to be too hasty in his inference from the anxiety of occupiers to retain possession of their holdings. The right hon. Gentleman says that is to be taken as a clear proof that the holdings are profitable to them as they now exist. I am not able to make that admission. The holdings may be rented under these circumstances, that they would be profitable and satisfactory, and that the rents of them could be easily paid, provided they were attended with security of tenure; but, at the same time, it may be perfectly possible that while the tenure is insecure, the holding may be most satisfactory, and yet the tenant may be well and reasonably inspired with an intense desire to retain it—first, because he hopes the wisdom of the Legislature will invest it with that quality of stability which now it wants; and, secondly—and this is by no means a small consideration—because he knows himself, as a rule—and no one expressed the fact with greater terseness or force than the hon. Member for Carlow—to be without other means of livelihood. With regard to Ireland, and the different statements we hear as to what goes on there, I am reminded of an illustration which may be drawn from the *Odyssey* of Homer. There are two legends in the *Odyssey*, one to the effect that there is a distant country in which there prevails perpetual day, and the other to the effect that there is another perfectly distinct and distant country in which there prevails perpetual night. Well, anyone becoming acquainted with these two legends would at first infer that they belonged, not to the same, but to different originals. But we know very well that they evidently belong to the same original, and are both drawn with equal truth from the same portion of the globe which has perpetual day and perpetual night, only at different times of the year. And so, Sir, it is with Ireland; the diversity of its circumstances, as affected by the character of men and the usages of districts is such that, dangerous as in all cases hasty generalization must be found, perhaps there is no case in which it is so utterly fatal to a just conclusion on the general merits of the subject as when it is made on a question relating to the state of Ireland. Judge Longfield, who has written on this subject with so much ability, force, and knowledge, says, and, as I think, with truth, that he may put this dilemma—"The competition value of land in Ireland is too high, because there is an excess of demand over supply. If the land is held at the competition value, which in ordinary circumstances is the desirable and the proper, and the only proper test, then the holding cannot under the circumstances of Ireland be satisfactory. If, on the contrary, it is held below the competition value, as frequently happens in Ireland, then also it cannot be satisfactory, because it is not secure, and a man can never know at what period he may be displaced from his occupation." It is said by the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) that this Bill is to be complained of for the variance of its principles with English laws and customs; but I must confess I was somewhat astonished when I heard the right hon. Gentleman refer in terms of commendation to our recent legislation with regard to copyholders. His suggestion upon that point appears to me to be one of the most revolutionary I have ever heard made in relation to Irish land, because if the English example with regard to its legislation in respect to copyhold has any reference at all to Ireland, it means nothing but the expropriation of the landlord. But what we have to do is not to consider as a primary rule and purpose the exact resemblance between the legislation for England and Ireland, but to consider what the circumstances of Ireland demand, and then to apply the same principles of equity to the varying circumstances of the case. It is said that this Bill will encourage litigation, and to that charge the general answer has been given, that the establishment of a system of rights implies the possibility of litigation if those rights are to be guarded by the sanction of law. But, surely, the objection is one which cannot be very strongly felt on the Benches opposite, because the right hon. Gentleman who has just spoken throws everything by his plan into the hands of the Judge. Instead of giving any distinct guidance to the parties, he says, simply—"Go before the Judge." My right hon. Friend the Member for North Lancashire (Colonel Wilson-Patten), although I do not know that he took any objection to the Bill, on the ground that it would lead to too great an amount of litigation, undoubtedly made a very handsome contribution to increase the stock, because he proposes that, independently of all the provisions of the Bill, the parties should be authorized to make any contract whatsoever between themselves, provided it was made subject to discussion and settlement before the Judge. The right hon. Gentleman who spoke last objects strongly to another part of the Bill, with reference to the case of the proprietors under the Encumbered Estates Act, and he thinks it absolutely necessary that a separate compensation should be provided for those proprietors. I must, however, with all respect, say that I think some confusion has crept into the views of the right hon. Gentleman in connection with the subject. The right hon. Gentleman seems to suppose that, quite apart from the question of indefeasible title, and apart from the question of release from encumbrances, the purchaser under the Encumbered Estates Act takes something different in its nature from that which appertains to other proprietors in Ireland. Sir, who gave it to him? Who had any right to give it to him? The purchasers under the Encumbered Estates Act pay off their own encumbrances—that is to say, they were paid off out of the price of the estate—and Parliament declares their title to be indefeasible; but Parliament has done nothing whatsoever except this for them; they took nothing else which did not already belong to every other proprietor in Ireland. I defy anybody to produce an argument in favour of the claims of the purchaser under the Landed Estates Act which will not end in the extension of the conclusion, and the adoption of a measure of compensation all round. The right hon. Gentleman the Member for the University of Oxford is one to whose exercise of the faculty of criticism I always listen with great interest and attention, because I think one can generally get out of his speeches some of the stiffest objections which can be taken to a measure. On the present occasion I heard him with great satisfaction. He took his main, or one of his main objections to the 3rd clause—the clause which gives damages for eviction—on the ground that it tells against the good landlord and lets off the bad. Now, not only is that not the fact, but it is the very reverse of the fact. For example, by the good landlord is meant the man who lets his land at a moderate rent, and by the bad landlord a man who lets it at a rent which is unduly high. By the clause itself the amount of compensation which is to be given is not to be assessed upon the acreage but to consist of so many years' rent; so that if the bad landlord has taken two years' rent for his land, where the good landlord has only taken one, then for that very reason the bad landlord will pay twice as much compensation as the good. But, more than that, the right hon. Gentleman has forgotten to take into consideration the operation of the equity clauses. I do not deny that, looking to the 3rd clause as it stands alone, it would be in the power of the evicted tenant to go before the Judge and say—"My loss has been great, because my land was good and my rent was moderate." But, take in connection with it the equity clause, for that gives the landlord the power to say—"The rent was unnecessarily low; I evicted him because he refused to pay a rent that is reasonable, and it is your duty as Judge to take that fact into consideration and disallow the scale of damages which the 3rd clause contemplates." So that I venture to say that the clause has been constructed with the greatest care, not only to avoid the evil—which I admit would be a fatal one of allowing the Bill to work against a good landlord and in favour of a harsh one—but to secure to the good landlord, as nearly as may be, the amount of reward corresponding with the justice of the case. It is also contended by the right hon. Gentleman that the scale of damages for eviction is too large. He says it amounts to one-third of the fee simple. My hon. Friend the Member for Cork, on the other hand, maintains that it is too low. Now, I do not think it is necessary I should stop to enter into that discussion. The right hon. Gentleman pointed out truly that seven years' rent may be granted as a compensation under that scale, and that in the present circumstances of Ireland, seven years' rent might be regarded in a large portion of that country as one-third of the value of the fee simple, and that there would therefore *primâ facie* be an abstraction of so much property from the landlord. Now, Sir, this I will say, that twenty or twenty-one years' purchase is a miserable representative of the value of land, and that the prevalence of so low a scale is in itself the surest proof of a disordered and unhealthy state of things. I will not assume this Bill to be a good and sufficient measure; but I venture to say that if Parliament can pass a good and sufficient measure for the settlement of the land question in Ireland, it is no extravagant but a moderate estimate of the result of such a measure, to suppose that these seven years' rent, about which we have heard so much to-night, need not be carved out of the present interest of the landlord, but may be well added to the value of the land in regard of the security of tenure which any good measure must bring with it, and consequently of that development of agriculture in the country which the right hon. Gentleman who has just sat down contends is not one of the objects of the Bill, but which I can assure him, so far as the means and intentions of the Government are concerned, is the paramount object which we have all along had in view. I come now to the Ulster custom, and that is a subject on which we have been assailed from both sides. When I use the word "assailed," I mean merely in the sense of fair criticism. What is said of the Ulster custom, apart from any question of greater or less perfection in the wording of the clause? It is said that the custom ought to be defined; that it ought to be extended throughout Ireland; that it ought not to be stereotyped and made perpetual; and lastly, it is said by some that it is a bad custom and ought to be discountenanced. Great censure has been bestowed upon the Ulster tenant-custom from the other side of the House, and high authorities, especially Mr. Thomson, have been quoted as being strongly condemnatory of that custom. In the first place, with regard to the definition of the Ulster tenant-custom, it is impossible to define it without altering it. It wears a variety of forms. These forms are all variations based upon one common model; they are all varying modifications of one substantial right—that is, the right of the tenant to dispose of his occupation. But the modifications are various. Are we to define each of these modifications and to say that under one or the other of these the judgment of the court must fall? Why, it would be absolutely impossible; whereas, on the other hand, if we are to attempt a single definition, that must be a definition of the principle without any modifications at all. Consequently we should attempt to apply throughout Ulster, in a uniform shape, that which now materially varies, and, while aiming to do justice and secure to every man in a firmer manner what he now actually enjoys, we should, on the contrary, take from some persons a great deal which they now possess, and give to many persons a great deal which they now do not possess at all. It is said, then, that the Ulster custom ought to be extended throughout Ireland, and we have been told—though I am glad to see between our adversaries in argument a contradiction which diminishes the weight of their authority—we are told on the one hand, that we treat the Ulster tenant better than a tenant in the rest of Ireland, and, on the other, that we treat him worse than the rest of Ireland. Now, our desire is to treat him neither better nor worse than the rest of Ireland. But, in one sense, we may be said to treat him worse, because we only seek, as a general rule, to secure to the Ulster tenant that which by custom, where it is fairly observed, he now possesses, whereas with respect to the rest of Ireland, or great part of the rest of Ireland, we are endeavouring to secure for it in one shape that which we freely admit it does not now possess at all. The ground of our proposed legislation as to the Ulster custom ought to be well understood. The right hon. Gentleman who has just sat down is not obnoxious to the observation I am now making, because he would pass by the Ulster custom altogether; but I venture the opinion that legislation upon the Irish land question, simply passing by the Ulster custom and saying nothing about it, but attempting to leave it as it is, would not be possible, and is wholly beyond the power either of the right hon. Gentleman or of any other man. The ground we take is this — The Ulster tenants have made a large investment of money. It is variously estimated, but is stated without any proof or strong presumption of exaggeration, to amount to £20,000,000. That £20,000,000 has not had all the protection we hold that it ought to have. We contend that the tenants have made this investment, as a rule, with the knowledge and consent of their landlords, and that, having been made with that knowledge and assent, it amounts to a covenant between the parties. It is not a contract recognized by the courts; we think it ought to be recognized by the courts. It appears to us that if it existed in England it would be recognized by the courts; at any rate that, according to the principles of justice, it ought to be so recognized. Let it, therefore, be understood that our legislation for securing and defining the Ulster custom is not legislation of a theoretical or speculative kind; it simply gives the just defence of law to rights which we conceive are now secured by honourable covenant, and the further protection of which the Ulster tenant is fairly entitled to demand. That is not true with respect to the rest of Ireland, except in rare cases. It will be admitted that the cases are exceptional in which, unless in Ulster, an incoming tenant pays a sum to the outgoing tenant with the consent of his landlord. In many cases he pays it without his consent, in many without his knowledge. The cases in which he pays it with his consent are comparatively rare. Have we left those cases unprovided for? On the contrary, when cases like these, which, we admit, approximate to the Ulster custom, occur in other parts of Ireland, we bring them under the 6th clause, which implies that the landlord ought in such cases to allow the outgoing tenant to dispose of his interest like the Ulster tenant; and if the landlord is unwilling, we allow the outgoing tenant to go before the court and claim a payment from the landlord himself in respect of the money which he has had to pay upon entering upon the farm. I must, therefore, wait to see in what manner any Gentleman who hears me will be able to point out any closer mode of applying out of Ulster the same principle as we apply in Ulster, the difference being that, whereas in Ulster the custom prevails throughout large districts, and may fairly be called the custom of the country, out of Ulster it is not the custom of the county; it is rather to be traced in small and separate rivulets on particular estates, possibly here and there in some limited neighbourhood; and it is as separate cases that we deal with them, and in a manner which substantially corresponds with the legislation we propose with regard to the Ulster system. It is said that the Ulster custom is a bad custom, that it ought to be discountenanced, and that we ought not to stereotype it. In the first place, I do not admit that we stereotype it. I think my right hon. Friend the Member for the University of Oxford fails to comprehend with accuracy the effect of the legislation proposed. The Ulster custom does not enable the outgoing tenant to demand from the landlord any sum, small or great. If the outgoing tenant is allowed to dispose of his interest in the farm, the Ulster custom is satisfied. [An Hon. Member: He is not allowed.] Then the Ulster custom is not satisfied. And here, Sir, I come across what I must be permitted to call an error, but an error sustained by two great authorities, who look at the matter from different points of view, one of them the right hon. Gentleman who has just sat down, the other my hon. Friend the Member for Kilkenny (Sir John Gray), who has so deeply studied this particular question. The right hon. Gentleman, almost repeating the language of the hon. Member for Kilkenny, says that our legislation with regard to the Ulster custom, legalizes the private arrangements on every estate in the North. The hon. Member for Kilkenny gave us a lively illustration of a particular estate within his knowledge, on which a rule has been made that any destruction of game involves the loss of the tenancy. [Mr. GATHORNE HARDY: It is not in Ulster.] No; but he said it was a case which, if there was such a rule in Ulster, would render the tenancy void. The case was that of a man who threw a stone at a hare and killed her; and he lost his farm in consequence. This might follow from a private arrangement on an estate, and there is an estate in Ulster that has been the subject of painful remark in this discussion, on which a rule something very like that was laid down. The hon. Member says—and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) supports him—that such a rule in Ulster could be enforced under this Act. But there cannot be a greater, a more fundamental misconception of the whole matter. The Ulster custom is not a private rule that each man chooses at any time to establish. A breach of custom is not a custom. An established custom is a thing well understood as such, and perfectly capable of receiving a legal meaning and interpretation when it is investigated as a matter of fact. Wherever a particular proprietor or an agent chooses to set up a rule which, though it be enforced on the estate, is in derogation of custom, and which has not itself subsisted so far as to acquire the character of a custom, it is condemned as a private and arbitrary practice, and is over-ridden by the custom, the authority of which will be exerted and enforced against it. The Ulster custom is not stereotyped by the Bill. As I have said, it does not consist on a right to demand any particular sum of money. A man may give twenty years' purchase in Ulster for his holding. If it so happens from any course of circumstances that the value of that tenant-right declines in the market to fifteen or ten years' purchase, the Ulster tenant has no remedy; he has bought something in the market, and like other purchasers, he must take his chance. The custom does not guarantee the replacement of his money, and we do not. What he is entitled to by the custom, speaking generally and apart from modifications, is to get what the market will yield. Instead of stereotyping the particular sums which may be paid, all that could be done by the clause would be to say, subject to variations in the customs of the county, he should obtain that which the open market will yield him for the interest with which he was about to part. I must say a word for the Ulster custom itself, after all that has been said against it. It is supposed by some—I am bound to say, much to their credit, it does not appear to be supposed or urged by the landlords of Ulster, generally—that the money paid for the tenant-right is carved out of the landlord's interest in the property, out of the landlord's estate. From those who think so, I should like to know what Ulster would be now at this moment without the custom. A passage quoted by my right hon. Friend from the evidence of one of the witnesses before the last Committee as to the effect that would be produced in Ulster by the overthrow of this custom may show that, although it is not abstractedly, as I admit, the best system of management, yet, relatively to all the circumstances under which it has prevailed, it is idle and futile, and something worse, to deny it the credit to which it is entitled—namely, that it has given satisfaction to the occupier, has secured the peace of the district, and has not diminished, but, relatively to other parts of Ireland, has promoted the prosperity of the land. Without attempting to give to the custom in itself a force and an extension it does not now possess, I think it is our duty to secure the observance of it within the limits in which it now prevails. But going beyond the Ulster custom, I now approach the broadest of all the questions connected with the character of this Bill. My hon. Friend the Member for Kilkenny (Sir John Gray) seems to think that we ought to give one law to all Ireland, for he complains that by the Bill we give four laws to Ireland. I may say we distinctly decline to admit that it would be giving one law in substance to Ireland, though it might be so in form, if we were to provide the same legislation and the same compensation for men who have paid nothing at all when they took their holdings, as we provide for those who have invested large sums of money; and upon that subject we cannot be too explicitly understood by the hon. Member for Kilkenny. But this is a Bill, as I ventured to describe it at the outset, which aims not at giving perpetuity of tenure or fixity of tenure, nor at giving anything which, however different in sound, would in sense and substance be found to correspond with those modes of action, but it is a Bill for giving stability of tenure and for giving security to the mind of the occupier of the soil, so that he may pursue his honourable avocation in peace, in confidence, and in safety. We may, therefore, Sir, say to the Irish peasant—and if he is as fond of classical studies now as it is said he used to be, he will understand us—we may say to him that which was said to the Italian colonist in the time of Augustus—we may say to him while he is struggling with the stones on the hill and with the bog in the valley—

> " Ergo tua rura manebunt:
> " Et tibi magna satis quamvis lapis omnia nudus,
> " Limosoque palus obducat pascua junco."

And, so regarding his condition, the aim of this Bill is to secure him in that condition, but to secure him, not by giving him a property in the soil, but by attaching such conditions to the act by which alone the landlord can remove him, that that act shall become difficult and costly to such a degree that, humanly speaking, we may be confident it never will be resorted to except for good reason. I wish to borrow for one moment the admirable language of my hon. Friend the Member for Tralee (The O'Donoghue), who said that under this Bill it will be next to impossible for the landlord to evict the tenant except for reasons which every man capable of discriminating between right and wrong will own to be sufficient. Now, Sir, that is the object we have in view, and I divide the difficulties that beset our path of legislation in regard to land in Ireland into two classes. In the one class I place all those objections which meet us in this House, and which are supported and sustained in argument, and of those I have endeavoured to take brief, summary, and imperfect notice, so as in some degree to indicate to the House that we are prepared to redeem our pledge of giving fair consideration to Amendments in Committee on the Bill, in whosesoever interests they may seem to be dictated and conceived, with the view of bringing the measure as nearly as we can to a state of perfection. But, Sir, there are other arguments by far more formidable, not in their power of reason, but in their power of acting upon the popular mind — arguments which scarcely show a front in this House; for although three or four times in the course of this debate we may have heard the mere expression "fixity of tenure," I ask the House whether, during these four nights in this great arena of reason and discussion, any argument whatever has been made by any English, Scotch, or Irish representative to show that fixity of tenure, to be applied as a means of securing justice and peace in Ireland, can for a moment abide its trial at the bar of reason? Sir, I wish to record that as a great and an important fact, because in this House, where unlimited freedom of speech has prevailed, and I trust ever will prevail, and where there are scores of men sent to us from Ireland, who certainly would never fail—as they have often proved—either in courage or in ability to urge the most unpopular considerations which they believed to be right, it is, though a negative, yet a most material and most vital fact that the principle of fixity of tenure has remained during four nights of debate on the second reading of a Bill on land tenure in Ireland wholly unsustained by the slightest attempt at reasoning. Well, Sir, but there is another phrase to which I wish to call the attention of the House, because I own that I am sanguine enough to believe—though I may be wrong—that with regard to nearly the whole of the arguments which have been advanced by hon. Gentlemen opposite, we shall be able in a great degree to reconcile them to our views, and, where we cannot, that we shall be able, by the prevailing judgment of the House, to give effect, notwithstanding, to the convictions that we may entertain. But questions much broader than the differences between the speeches that have been made on the other side of the House and those that have been made on this are involved in the controversies which have been agitated in Ireland. And permit me, Sir, respectfully to say —although I will not enter in detail into that question—that I am not aware that any Member of the present Government is, by any expression which he has used during this controversy, in the slightest degree open to the remark that he has been responsible for inflaming those Irish controversies. If any proof or reference is given to show that I am wrong, we shall be ready becomingly to defend ourselves. But I pass by the question now to consider that which is most important—

MR. CONOLLY: The right hon. Member for Birmingham.

MR. GLADSTONE: Well, Sir, I am not prepared to admit that my right hon. Friend the Member for Birmingham (the President of the Board of Trade) is open to this censure. He is not here to defend himself. I am quite sure the hon. Gentleman opposite wishes he were.

MR. CONOLLY: Certainly.

MR. GLADSTONE: But so far as I have been cognizant of the language of my right hon. Friend the Member for Birmingham—and that is from his speeches which have been delivered in this House—I have always heard him say, with most scrupulous care, that any measure he would propose in reference to the land in Ireland would be based on the principle of the most sacred respect for the rights of property. But, Sir, when we come to consider what is going on in Ireland, I must ask the House to give a moment's attention to the nature of the demands that we have to meet; and if they are not represented in this House in argument, that does not make them the less, but rather the more formidable. We must endeavour to make reason reach the ears and the minds of the Irish people. Perpetuity of tenure is a phrase that I flatter myself is a little going out of fashion. If I have contributed anything towards disparaging it I am not sorry. But another doctrine is advanced which I wish the House to consider, because I confess that to me it presents but too much the character of the old friend with a new face. It is the doctrine which is sometimes called fair rents, and sometimes called valuation of rents. Now, not even of that have we heard a very great deal during the debate. But a description of it was lodged in my hands by an important deputation, which desired that any Bill to be passed by Parliament should recognize for the tenant these things—

> "A right to continued occupation, subject to the payment of the rent to which he is liable, or to such charge of rent as shall be afterwards settled from time to time by fair valuation as hereinafter provided, and the right to sell his interest to any solvent tenant to whom the landlord cannot make reasonable objection."

Now, Sir, what is this fair valuation of rents? In my opinion, the question as to the greater or less amount, or the particular adjustment of the scale, is a question that admits of being treated as one of degree. If the scale is too high, reduce it; if it is too low, raise it; if it is clumsily and ill-constructed, give it a better and a nicer adjustment. But that which is our main contention is this—that the great remedy which, apart from custom, ought to be provided for the Irish occupier, should be provided for him in the shape of a shelter against eviction, of a penalty, if I may so call it, upon eviction, but not upon the footing of a joint property in the soil. When he has paid his money that gives him such property, inconvenient as it may be, with the consent, or with the fairly presumed consent, of his landlord, he is entitled to be protected; but I am not prepared, nor are my Colleagues to admit that the just protection of him affords either an apology or a reason for endowing him with a joint property in the soil. Now, Sir, the claims—to which it is my duty to object—which are made on behalf of what I may call the popular party in Ireland are these two. In the first place, it is said that there ought to be a power to reduce excessive rents. Sir, with much reluctance, but from a sense of the necessity of the case, we have introduced into the Bill an exceptional power, not to reduce excessive rents, but to make allowance, on the occasion of eviction, for non-payment arising out of excessive rent. We have introduced that provision from a sense of its necessity, and as a partial, occasional, and temporary measure, necessary to complete the rectification of the present confused and irregular state of things. But it is proposed that we should establish permanently and positively a power in the hands of the State to reduce excessive rents. Now, I should like to hear a careful argument in support of that plan. I wish, at all events to retain at all times a judicial habit of not condemning a thing utterly until I have heard what is to be said for it; but I own I have not heard, I do not know, and I cannot conceive, what is to be said for the prospective power to reduce excessive rents. In whose interest is it asked? Certainly not in the interest of the landlord? Is it asked in the interest of the tenant? Shall I really be told that it is for the interest of the Irish tenant bidding for a farm that the law should say to him—"Cast aside all providence and forethought; go into the market and bid what you like; drive out of the field the prudent man who means to fulfil his engagement; bid right above him and induce the landlord to give you the farm, and the moment you have got it come forward, go to the public authority, show that the rent is excessive and that you cannot pay it, and get it reduced?" If I could conceive a plan more calculated than anything else, first of all, for throwing into confusion the whole economical arrangements of the country; secondly, for driving out of the field all solvent and honest men who might be bidders for farms, and might desire to carry on the honourable business of agriculture; thirdly, for carrying widespread demoralization throughout the whole mass of the Irish people, I must say, as at present advised—to confine myself to the present, and until otherwise convinced—it is this plan and this demand, that we should embody in our Bill as a part of permanent legislation a provision by which men shall be told that there shall be an authority always existing, ready to release them from the contracts they have deliberately entered into. This is one demand; the other demand is for valuation of rents; and I beg the House to consider what is meant by the valuation of rents. I have heard from my hon. Friend the Member for Galway (Mr. W. H. Gregory)—speaking in the character of an Irish landlord, which he so well sustains—some expressions showing that he looks with no disfavour on valuation of rents. Well, I at once make this admission—if the Irish landlords, if any particular landlord thinks it desirable to have his rents fixed by public authority—I will not say it is desirable on public grounds, but still it may be done. However, what I do wish is, in the first place, that there should be a clear manifestation of the views of the Government, and secondly, of the House, that we are not ready to accede to a principle of legislation by which the State shall take into its own hands the valuation of rents throughout Ireland. I say take into its own hands, because it is perfectly immaterial whether the thing shall be done by a State officer forming part of the Civil Service, or by an arbitrator, acting under State authority, or by any other person invested by the law with powers to determine on what terms as to rent every holding in Ireland shall be held. If you are to value rents you must take into your own hands the fixing of every other condition of agricultural holdings, because otherwise in vain do you fix the rent. You fix the rent, but the landlord thinks it too small, and having imposed some onerous condition, he then says to the tenant—"I will relax the conditions if you consent to pay an advanced rent." The mathematical result is, that if you undertake to fix the valuation of rents by public authority you must likewise undertake to fix the whole conditions of every agricultural holding. There is no escape from that conclusion. Well, then, are you prepared to undertake that? We say—"Give shelter to the tenant from loss by eviction, and make that shelter effectual." This doctrine says—"Give over to the tenant a great, a paramount, a permanent interest in the land." Am I mistaking it or not? My proposition is that if you value rents you may as well for every available purpose adopt perpetuity of tenure at once. It is perpetuity of tenure only in a certain disguise. It is the first link in the chain, but it draws after it the last. Now look at its practical difficulty. We are to value these rents. What an army of public officers are you to send abroad to determine from year to year the conditions of the 600,000 holdings in Ireland, conditions which are settled with comparative ease when settled by private intercourse, but conditions the fixing of which beforehand by a public authority would be attended with ten-fold difficulty. Here I may be told that by the Bill in a certain case we refer the fixing of these conditions to a public authority. ["Hear, hear!"] I answer no; that is a mistake. There is no compulsory reference of the conditions of any holding in Ireland to any public authority. We have said to the landlord—"If you wish to escape from the provisions of the Bill with respect to evictions, you may of your own free will go before a public authority for that sole occasion and for no other." But that is a totally different matter, as the hon. Gentleman who cheered will admit, from a compulsory provision that all persons shall be carried before a public authority for the purpose of fixing the conditions of contract between landlord and tenant. How are these rents to be valued? What is the test? The prices of produce? Of what produce? Of one kind of produce or of all kinds? Can any man fix by law any system upon which it will be possible to adjust rents by calculations founded upon prices of agricultural produce of all kinds. Perhaps you will say—"What was done in the case of commutation of tithes?" I will tell you what was done. It was a very rough process indeed, and it was a process to which the tithe commutators submitted, but to which, you may rely on it, no other powerful class in this country will ever again submit. Besides, the cases differ in this—the tithe of agistment was gone, the right of the tithe commutator only subsisted in produce of certain kinds, and therefore it was not very difficult to get at the prices of these kinds of produce. The landlord's interest is not restricted to wheat, barley, and oats, but extends to all the varied descriptions of produce. There are no records of the prices. I defy you to keep records of the prices. They are sold in every possible way and under every possible circumstance. It is impossible to combine them together so as to found upon them a compensation which you can make the basis of these enormous and complicated arrangements. Again, how is the landlord's rent to vary? Is it to vary according to the prices of produce?—because that is the proposal that I have seen. It is impossible, in my opinion, to get the prices of produce so as to found the rent upon them by a public authority; and if you could get them it would be absolutely impossible to apply a standard according to the varying circumstances of each particular holding, and its capacity to produce this or that kind of produce. But what are we to say with regard to the quantity of produce? Supposing the quantity of produce is doubled, is the landlord to receive the same price for the increased quantity, or is he not? If he is to receive the same price for the increased quantity, where is the tenant's inducement to increase the quantity? But if the quantity is to remain the same, by what right do you cut off the whole of the landlord's interest in the prospective increase in the quantity of produce? The quantity of the produce may be increased by the enterprize of the tenant, or by other causes—by the cheap access of manures by railway—by improvements in machinery, and by many other things; and none of these advantages can you justify giving over bodily to the tenant, to the exclusion of the landlord, unless upon the assumption of that one principle which is involved in perpetuity of tenure—namely, that the paramount interest in the soil is to be transferred from the owner to the occupier, and that the owner of the soil is to become a tithe commutator only upon a larger scale. Sir, if I state these things, it is that I may provoke confutation. I disbelieve in the possibility; but, at the same time, I think that it would be well that the attention of those who have stated all along that the Irish people will be perfectly satisfied with continued occupancy, subject to a valued rent, should really consider what is the meaning and scope and extent of the terms in which they couch their demands. Sir, we have a social system established in this country under which two persons have a vital interest in the land. One of them is the landlord, who regards the estate as a whole, and who is very largely concerned in the development of its general prosperity; the other is the tenant, whose position it is desirable to simplify as much as possible, in order that he may be able to devote the whole of his resources and his capital, if he thinks fit, to the prosecution of his trade. But if you once adopt this principle to which I am referring, you cannot retain these two classes upon the land; the man who becomes a mere annuitant loses all general interest in its prosperity. They have now both of them abundant reason to be there. Under the system which is contemplated, one of them may have abundant reason to be there, but the other has not. We are called upon, therefore, to begin this rectification of land tenures in Ireland with a plan which, if it be good at all, is good not for Ireland only, but for the whole of the Three Kingdoms, and which certainly amounts—I do not wish to describe it in language of excessive strength—to, perhaps, a peaceful, but yet a very searching and complete social revolution. I own that I do not myself see any advantage in our rejecting the plan of Mr. Mill, which told out plainly and distinctly and at once the whole of its purposes and results, and amounted, in so many words, to an expropriation of the proprietors, with full compensation. I do not see any advantages in our rejecting that plan if we are to adopt some other, which, although couched in other language, and, perhaps, contemplating certain stages in the process with something like an agony of procrastination, is, notwithstanding, certainly and inevitably to end in the same conclusion. Now, Sir, I wish to say one word before closing to my hon. Friend who has moved that this Bill be read a second time this day six months, and to those who may be disposed to support him, for the situation in which we stand is one of very great gravity. We have offered to Parliament a Bill, the principle of which is about to receive, but for them, an unanimous approval in this House, and which offers certain boons to the Irish occupier. Are these inconsiderable boons? What will be the condition, after this Bill is passed, of the occupier of the soil in Ireland as compared with what it is now, and as compared with the condition of the occupier of the soil in England or Scotland? As compared with what it is now, the customary privileges which at present he enjoys by a frail and precarious tenure will be secured to him by law; and even the shortest form of holding, which is covered by no customary privilege, will be sheltered and protected by a fine upon causeless eviction that may amount, and in many instances would amount, if such eviction is to be supposed, to one-third part of the fee-simple value of the estate. We hear it said sometimes—"That is no check at all; plenty of persons will be ready to come forward and pay six or seven years' rent in order to obtain the possession and privileges of an agricultural holding." My answer is, why do not they pay it now? The man is now in possession of his holding. We do not expose him to any new danger; but between him and the danger of eviction we place a bulwark of protection, consisting in a number of years' rent, payable by the landlord. What will be the case of the Irish occupier if this Bill is rejected, as being so intolerably unjust to the occupier that it is not even to be allowed to go into Committee?—because that will be the result as far as my hon. Friends are concerned. What demand are they making on behalf of the occupiers of Ireland? In what position do they seek to place them as compared with the position which gives contentment to those who are among the freest and most high-minded people in the world, the agricultural part of the population in England and Scotland? Are we going by this Act to place the Irish occupier—or to leave him—in a position of inferiority to his brother-occupiers in the other parts of the United Kingdom? Are we not going, on the contrary, to invest him with an exceptional privilege? You may say that the proposal is insufficient. That may be so, according to your view; but I ask whether you will, in the name of Ireland, take upon you the responsibility of rejecting what, upon the occasion of the second reading, is offered to you by an unanimous Parliament, which you therefore have it in your power now to secure? Taking the Bill as it is—and I trust that it will not pass in any form less favourable to the people of Ireland than it is at present—you have the power in your own hands of securing for the occupier of the soil in Ireland that which the occupier of the soil in England or in Scotland never dreams of possessing, and for which he has never thought of making application. Sir, this is indeed a grave matter, and I trust my hon. Friends will pause. I declare to them, without the smallest imputation upon their sincerity, that I cannot bring myself to believe, that if it were possible that the phalanx they command could be swelled into a majority of the House, they would not themselves be the first to regret with bitterness—and, alas, to carry that regret to the very latest day of their lives—the result which their own exertions had brought about. The questions they should ask themselves are few, but they are grave and serious. They are raising a flag of resistance upon this question; they are holding up a signal to the Irish people and inviting them to follow. Will the Irish people follow such a disastrous leadership? I believe not. I hold again, with my hon.

Friend the Member for Tralee, that each successive act of justice develops feelings of content and loyalty and narrows the circle of disaffection. I know your difficulties may be great; but they are not yours alone; they are the difficulties of other Irish Members. There is in Ireland—do not let us conceal it from ourselves—not only a reckless, a lawless, but a demoralized and demoralizing agency, which is now at work for the two-fold purpose of disturbing the country through agrarian crimes and of making, through unreasonable demands, peaceful legislation impossible for Ireland. But you have before you noble examples. Are there not numerous Irish Members, your brethren in many an ancient contest for the rights of your fellow-countrymen, who, nevertheless, in this debate, have manfully declared their resolution not upon this great and solemn occasion to reject the opportunity of making a new treaty of peace with this United Kingdom? And if, which I am most reluctant to believe—which I cannot believe, a portion of the Irish people could be induced to embark in this enterprize, is it likely that they will succeed? Is the conflict one of such a character that you ought to encourage them to engage in it—to reject upon the second reading a Bill—I repeat the sentence, because I wish every syllable of it to be strictly scrutinized—to reject upon the second reading a Bill which offers to the farmers and the cottiers of Ireland privileges of occupation such as have never yet been enjoyed in two countries that are admitted to be, as respects the condition of the cultivators of the soil, at the very least among the foremost in the world? No, Sir, let us look back, in one sentence, over the career of Irish patriotism. For 100 years Ireland has been engaged in almost a continuous conflict with the governing power—I will not say of the nation, but with the governing power of this island. She has engaged in that conflict with all the disadvantages of a limited population, of inferior resources, of backward political development, and yet she has been uniformly successful. Strength and weakness have grappled together, in almost incessant conflict, and on every occasion, in a succession of falls, strength has been laid prostrate on the ground, and weakness has waved the banner of victory over it. And why was that? Last year an hon. Friend of mine—the Member for Merthyr Tydvil (Mr. Richard), using—as he was well entitled to do—the resources of an orator, excited the curiosity of the House by producing to us a proverb in Welsh; and then, when our appetites were whetted, he conveyed to us the English of it. I cannot recite the Welsh, but the English was this—a nation is stronger than a lord. I, Sir, admit it. I admit more—a nation is stronger than a Parliament; but, though I have no Welsh in which to clothe my saying, I will add yet another saying—there is something else stronger than a nation, and that something is justice. The career of Ireland has ever been onward. Her cry has ever been, Excelsior! but, because she has had justice for her cause, and has been sustained in it by that which is the highest earthly organ of justice, the favouring opinion of the civilized and Christian world. We, Sir, have accepted the challenge. We seek in friendly contest to deprive Ireland of that alliance. There is but one way in which it can be done, and that is by offering her justice. Will you take it upon you to ask for more? Victors you have been in many battles; but what will be the issue of the strife when already—as we know from the utterances of high and low in other lands—the world has begun to recognize the efforts this great country is making for peace and union—what will be the issue of that strife—what will be the weight of responsibility, if, intoxicated by success, and believing that that which has been must ever be, you venture to make, on the part of Ireland, or on the part of a portion of the people of Ireland, demands that justice cannot sanction or concede? Sir, we have been invoked to-night, in solemn terms, from both sides of the House—by my right hon. Friend the Member for Kildare, and by my noble Friend the Member for Haddingtonshire (Lord Elcho)—to be just and fear not. It is our desire to be just, but to be just we must be just to all. The oppression of a majority is detestable and odious — the oppression of a minority is only by one degree less detestable and less odious. The face of justice is like the face of the god Janus. It is like the face of those lions, the work of Landseer, which keep watch and ward around the record of our country's greatness. She presents one tranquil and majestic countenance towards every point of the compass and every quarter of the globe. That rare, that noble, that imperial virtue has this above all other qualities, that she is no respecter of persons and she will not take advantage of a favourable moment to oppress the wealthy for the sake of flattering the poor any more than she will condescend to oppress the poor for the sake of pampering the luxuries of the rich. I beseech my hon. Friends to pause before they call on the House to do an act which, however decisive its utterance, will break the concord and unanimity of the House. We have been met, and handsomely met, from the other side of the House; we have been met, and gallantly met, by many of those who have been foremost in fighting the battles of the people of Ireland. Hesitate, then, I beseech you, for a moment, before you run the risk of lighting a flame which you will in vain labour to extinguish, lest it should be the unhappy fate of your country that after she has surmounted every difficulty, borne every calamity, and conquered every enemy, she should at length miss the prize of national peace, happiness, and contentment through the agency of those whom she believed to be her friends.

Sir PATRICK O'BRIEN said, he felt it would be presumptuous in him to offer a reply to the eloquent address of the right hon. Gentleman; but allusion having been made to the state of Ireland, he must express his belief that the present measure would not give contentment to the people of that country. The result would then be that those who traded in agitation would say to the Irish people—"You can have no hope in the British Parliament, and your only hope is in revolution." It would be better to postpone the measure than that the country should be handed over to those who would ruin it.

Question put.

The House *divided*:—Ayes 442; Noes 11: Majority 431.

AYES.

Acland, T. D.
Adderley, rt. hn. Sir C. B.
Agar-Ellis, hon. L. G. F.
Akroyd, E.
Allen, Major
Amcotts, Colonel W. C.
Amphlett, R. P.
Anderson, G.
Annesley, hon. Col. H.
Anson, hon. A. H. A.
Anstruther, Sir R.
Antrobus, E.
Arkwright, A. P.
Arkwright, R.
Armitstead, G.
Ayrton, right hon. A. S.
Aytoun, R. S.
Backhouse, E.
Bagwell, J.
Bailey, Sir J. R.
Baines, E.
Baker, R. B. W.
Ball, J. T.
Baring, T.
Barnett, H.
Barrington, Viscount
Barry, A. H. S.
Bass, A.
Bathurst, A. A.
Baxter, W. E.
Bazley, Sir T.
Beach, W. W. B.
Beaumont, Capt. F.
Beaumont, S. A.
Beaumont, W. B.
Bowmont, Marquess of
Bentinck, G. C.
Benyon, R.
Beresford, Lt.-Col. M.
Biddulph, M.
Bingham, Lord
Birley, H.
Bolckow, H. W. F.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowring, E. A.
Brady, J.
Brand, H. R.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, J. (Manchester)
Bright, R.
Brinckman, Captain
Brodrick, hon. W.
Brogden, A.
Brooks, W. C.
Brown, A. H.
Bruce, Lord C.
Bruce, Lord E.
Bruce, right hon. H. A.
Bruce, Sir H. H.
Buller, Sir E. M.
Burke, Viscount
Burrell, Sir P.
Bury, Viscount
Butler-Johnstone, H. A.
Buxton, C.
Cadogan, hon. F. W.
Cameron, D.
Campbell, H.
Candlish, J.
Cardwell, right hon. E.
Carington, hn. Capt. W.
Carnegie, hon. C.
Carter, Mr. Alderman
Cartwright, W. C.
Castlerosse, Viscount
Cavendish, Lord F. C.
Cavendish, Lord G.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chadwick, D.
Chambers, T.
Child, Sir S.
Childers, rt. hn. H. C. E.
Cholmeley, Captain
Cholmeley, Sir M.
Clay, J.
Clive, Colonel E.
Clive, Col. hon. G. W.
Cogan, rt. hn. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Conolly, T.
Corbally, M. E.
Corry, rt. hon. H. T. L.
Cowper, hon. H. F.
Cowper-Temple, rt. hn W
Craufurd, E. H. J.
Crawford, R. W.
Crichton, Viscount
Dalrymple, C.
Dalrymple, D.
Dalway, M. R.
Damer, Capt. Dawson-
Davies, R.
De Grey, hon. T.
Dalahunty, J.
De La Poer, E.
Denison, C. B.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dickinson, S. S.
Dickson, Major A. G.
Dilke, Sir C. W.
Dillwyn, L. L.
Disraeli, right hon. B.
Dixon, G.
Dodds, J.
Dodson, J. G.
Dowdeswell, W. E.
Dowse, R.
Duff, M. E. G.
Du Pre, C. G.
Eastwick, E. B.
Eaton, H. W.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, hon. A. F.
Egerton, Capt. hon. F.
Egerton, hon. W.
Elcho, Lord
Ellice, E.
Elliot, G.
Enfield, Viscount
Ennis, J. J.
Erskine, Admiral J. E.
Esmonde, Sir J.
Ewing, A. O.
Eykyn, R.
Fagan, Captain
Fawcett, H.
Fellowes, E.
Figgins, J.
Finnie, W.
FitzGerald, rt. hn. Lord O. A.
Fitzmaurice, Lord E.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. H. W.
Fletcher, I.
Floyer, J.
Foljambe, F. J. S.
Forde, Colonel

Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fothergill, R.
Fowler, R. N.
Fowler, W.
Garlies, Lord
Gavin, Major
Gilpin, Colonel
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldney, G.
Gooch, Sir D.
Gordon, E. S.
Gore, J. R. O.
Gore, W. R. O.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Gower, Lord R.
Graham, W.
Grant, Col. hon. J.
Graves, S. R.
Gray, Lieut.-Colonel
Gregory, W. H.
Greville-Nugent, hn. R. J
Grey, rt. hon. Sir G.
Grieve, J. J.
Grosvenor, hon. N.
Grosvenor, Capt. R. W.
Grove, T. F.
Guest, A. E.
Guest, M. J.
Gurney, right hon. R.
Hadfield, G.
Hambro, C.
Hamilton, Lord C.
Hamilton, Marquess of
Hamilton, J. G. C.
Hanmer, Sir J.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Hardy, right hon. G.
Hardy, J. S.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Henniker-Major, hn. J. M
Henry, J. S.
Herbert, hon. A. E. W.
Herbert, H. A.
Hermon, E.
Hervey, Lord A. H. C.
Hibbert, J. T.
Hick, J.
Hoare, Sir H. A.
Hodgkinson, G.
Holland, S.
Holms, J.
Holmesdale, Viscount
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hughes, W. B.
Hurst, R. H.
Hutt, right hon. Sir W.
Hutton, J.
Hyde, Lord
Illingworth, A.
Jackson, R. W.
Jardine, R.
Jessel, G.
Johnston, A.
Johnston, W.
Johnstone, Sir H.
Kavanagh, A. MacM.
Kay-Shuttleworth, U. J.
King, hon. P. J. L.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E. H.
Knox, hon. Colonel S.
Lacon, Sir E. H. K.
Laird, J.
Lambert, N. G.
Lancaster, J.
Langton, W. G.
Lawrence, Sir J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lefevre, G. J. S.
Legh, W. J.
Lennox, Lord G. G.
Lewis, J. D.
Lewis, J. H.
Lindsay, hon. Col. C.
Lindsay, Colonel R. L.
Loch, G.
Lorne, Marquess of
Lowe, rt. hon. R.
Lubbock, Sir J.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
Macfie, R. A.
M'Lagan, P.
Magniac, C.
Maguire, J. F.
Manners, rt. hn. Lord J.
March, Earl of
Marling, S. S.
Martin, P. W.
Matheson, A.
Mellor, T. W.
Melly, G.
Merry, J.
Meyrick, T.
Miall, E.
Milbank, F. A.
Miller, J.
Milles, hon. G. W.
Mills, C. H.
Milton, Viscount
Mitchell, T. A.
Monk, C. J.
Monsell, rt. hon. W.
Montagu, rt. hn. Lord R.
Moore, G. H.
Morgan, C. O.
Morley, S.
Morrison, W.
Mowbray, rt. hon. J. R.
Mundella, A. J.
Munster, H.
Muntz, P. H.
Murphy, N. D.
Neville-Grenville, R.
Nicholson, W.
Nicol, J. D.
Noel, hon. G. J.
Northcote, rt. hon. Sir S. H.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly-Dease, M.
O'Reilly, M. W.
Osborne, R.
Otway, A. J.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palmer, J. H.
Palmer, Sir R.
Parker, C. S.
Parker, Lieut.-Col. W.
Parry, L. Jones-
Patten, rt. hon. Col. W.
Pease, J. W.
Peek, H. W.
Peel, A. W.
Pelham, Lord
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Pim, J.
Platt, J.
Playfair, L.
Plimsoll, S.
Plunket, hon. D. R.
Pollard-Urquhart, W.
Potter, E.
Potter, T. B.
Powell, W.
Power, J. T.
Price, W. E.
Price, W. P.
Rathbone, W.
Rebow, J. G.
Reed, C.
Richard, H.
Richards, E. M.
Ridley, M. W.
Robertson, D.
Roden, W. S.
Rothschild, Brn. L. N. de
Rothschild, Brn. M. A. de
Rothschild, N. M. de
Round, J.
Russell, A.
Russell, H.
Russell, F. W.
Rylands, P.
St. Lawrence, Viscount
Salt, T.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sandon, Viscount
Sartoris, E. J.
Saunderson, E.
Sclater-Booth, G.
Seely, C. (Lincoln)
Seely, C. (Nottingham)
Selwin-Ibbetson, Sir H. J.
Seymour, H. de G.
Shaw, R.
Sheridan, H. B.
Sherriff, A. C.
Shirley, S. E.
Sidebottom, J.
Simeon, Sir J.
Simon, Mr. Serjeant
Simonds, W. B.
Sinclair, Sir J. G. T.
Smith, E
Smith, W. H.
Stacpoole, W.
Stanley, hon. F.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stone, W. H.
Strutt, hon. H.
Stuart, Colonel
Sturt, Lieut.-Col. N.
Synan, E. J.
Talbot, C. R. M.
Talbot, J. G.
Talbot, hon. R. A. J.
Tipping, W.
Tollemache, J.
Tollemache, hon. F. J.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. Hanbury-
Trelawny, Sir J. S.
Trevelyan, G. O.
Turner, C.
Vance, J.
Verner, W.
Verney, Sir H.
Vickers, S.
Villiers, right hon. C. P.
Vivian, Capt. hn. J. C. W.
Vivian, A. P.
Walker, Major G. G.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walter, J.
Waterhouse, S.
Wedderburn, Sir D.
Weguelin, T. M.
Wells, W.
Wethered, T. O.
Whalley, G. H.
Whatman, J.
Wheelhouse, W. S. J.
Whitbread, S.
White, J.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wilmot, H.
Wingfield, Sir C.
Winterbotham, H. S. P.
Wise, H. C.
Woods, H.

Winn, R.
Wynn, C. W. W.
Young, A. W.
Young, G.

TELLERS.
Adam, W. P.
Greville, Captain

NOES.

Bagge, Sir W.
Callan, P.
D'Arcy, M. P.
Dease, E.
Digby, K. T.
Gray, Sir J.
Henley, rt. hon. J. W.
Heron, D. C.
Lowther, J.
O'Brien, Sir P.
Sherlock, D.

TELLERS.
Bryan, G. L.
White, Colonel

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* 21st March.

PETTY CUSTOMS (SCOTLAND) ABOLITION BILL.

On Motion of Mr. Bouverie, Bill to empower Magistrates and Town Councils of Burghs in Scotland to abolish Petty Customs, and to levy a Rate in lieu thereof, *ordered* to be brought in by Mr. Bouverie and Mr. Kinnaird.

MUTINY BILL.

Bill "for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters," *presented,* and read the first time.

MARINE MUTINY BILL.

Bill "for the Regulation of Her Majesty's Royal Marine Forces while on Shore," *presented,* and read the first time.

House adjourned at half after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 14*th March,* 1870.

MINUTES.]—Public Bills—*Second Reading*—East India (Laws and Regulations)* (26).
Committee—Churchwardens Eligibility * (28-35).

IRISH LAND BILL—LORD DUFFERIN.

PERSONAL EXPLANATION.

Lord DUFFERIN: I am very sorry to trespass upon your Lordships' attention, or to interpose between the House and the noble Marquess who has given notice of a Motion (the Marquess of Clanricarde); but I trust I may be allowed an opportunity of correcting a very serious misapprehension affecting my personal conduct, to which currency has been given by an eminent Gentleman in "another place" in reference to certain leases which some time ago I issued to a portion of my tenantry. The Gentleman to whom I refer is Sir John Gray, the Member for Kilkenny; and as I am anxious to be both concise and accurate, perhaps the readiest way to place your Lordships in possession of the facts of the case will be for me to read a few paragraphs from a letter I felt it my duty to address to the hon. Gentleman in reference to this matter—

"8, Grosvenor Square, March 11, 1870.

"My dear Sir John Gray,—I am sure you will forgive me for at once correcting some grave misapprehensions into which you have fallen with respect to a lease of mine, and some other matters connected with the management of my property, to which you referred during last night's debate.

"Your words, as reported in *The Times,* are as follows:—

"'The leases under which the tenants held, however, contained some remarkable clauses, and it was to be hoped that the courts that were to have jurisdiction under this Bill would not adopt them as models to be followed. For instance, even the very sea weed, the waste thrown up by the waves, was reserved under those clauses as the property of the landlord, who was also to have the right to take back any portion of the land he might require for planting or other purposes whenever he thought fit to do so—in fact, he was really to be master of the land.'

"Now, with regard to sea weed, it is by no means 'waste,' as you imply, but a very valuable property, and on all estates bordering on the seashore it is invariably reserved by the owner. On my estate it is reserved solely and entirely in the interests of the tenantry. But for such a reservation, it would be monopolized and wasted by the one or two tenants whose farms lay along the seashore, instead of being shared by their neighbours in the vicinity, as is now done under regulations which the tenantry, if appealed to, would acknowledge to be for their common benefit.

"The further statement that I have reserved to myself the right of resuming any portion or the whole of a tenant's leasehold, and kept myself master of the land, is quite without foundation.

"What I have done has been to reserve to myself the right of resuming a piece of land not exceeding one acre in extent on any farm; but in the exercise of this right I have also bound myself to pay to the tenant from whom the parcel of land has been taken compensation at the rate of £18, £17, £16 an acre, according to the circumstances of the case.

"The object I had in view in the foregoing arrangement was to retain facilities for erecting labourers' cottages, and for putting down a little planting wherever either might be required upon the estate.

"Again you say that I have expended such and such sums upon the improvement of my property, and that I have invariably charged 5 per cent on such expenditure.

"This, again, is inaccurate.

"The real circumstances of the case are these—On coming of age my first act was to announce to my tenantry a reduction of rent to the amount of £2,000 a year, to be maintained for a definite period. I have since considered that this concession was rather precipitate and unnecessary, and that the £30,000 thus dealt with might have been more judiciously applied.

"Since then I have expended on the property in compensation to tenants, in the erection of farm steading, in cottages, in draining, fencing, estate roads, and schools, a sum of £60,000, exclusive of an additional sum of £17,000 guaranteed to my tenants on account of certain improvements executed by them in the very leases to which you have referred in such severe terms.

"Such having been my expenditure, I now come to my rental.

"My rental at the present time is exactly the same as it was twenty-five years ago, and as it will be for the next twenty years.

"These figures will show that it is not correct to say that I have invariably exacted 5 per cent from my tenants on account of the money I have expended for their benefit. What I have done has been to undertake to pay for all existing improvements, and for the time to come to execute any permanent improvement the tenant may desire to have put upon his farm, on his consenting to allow interest at the rate of 5 per cent to be added on that account to his rent. . . .

"Believe me, &c.,

"DUFFERIN."

Having, as I trust, satisfied your Lordships on the points referred to, it is but common justice to Sir John Gray that I should state that I believe it was in perfect good faith, and with a full conviction of the authenticity of the information transmitted to him, that he made the statement of which I complain, and his misapprehension may be readily accounted for—namely, by the fact that he had been furnished by his correspondent, not with a perfected or complete lease, but with the mere printed portions of a lease, in which all the blanks remained unfilled, and which therefore was a document quite incomprehensible, and capable of a hundred different interpretations. It is with very great reluctance that I have brought myself to intrude upon your Lordships' notice what is, after all, a private and insignificant matter; but, as your Lordships are aware, public opinion in Ireland is in a very excited state in reference to these subjects. Every statement is received without inquiry, and propagated by the newspapers from one end of the country to the other, and already, I am told—I will not say in consequence of Sir John Gray's statement, but in consequence of similar mis-statements, equally incorrect, and, I am afraid, advanced with less good faith—I have had the honour of being christened in the newspapers, and at public meetings, "the Scully of Ulster."

REPRESSION OF CRIME AND DISORDER IN IRELAND.

EARL GRANVILLE: My Lords, although I am not quite in order, having no Notice on the Paper, I believe it will be in accordance with the wish of your Lordships that I should now fulfil the pledge which I gave last week, that at the same time that a similar communication was made to the other House I should state to your Lordships the course which Her Majesty's Government propose to pursue with reference to the present condition of Ireland. With regard to the condition of Ireland, I do not propose to enter into any discussion. Whatever may be the differences of opinion as to the degree, as to some of the collateral circumstances, and as to the cause of what is now going on, all your Lordships are agreed that in certain portions of that country there exists a state of things not consistent with peace and order, or with the due security of life and property. It is the intention of Her Majesty's Government, after very anxious and continued deliberation upon the matter, to ask for some further powers from the Legislature to deal with that state of things, and in the course of the present week they will introduce into the other House a Bill for that purpose. Its general provisions will consist of positive enactments in amendment of the Peace Preservation Act of 1856, and revising certain of the provisions of the Acts of 1833 and 1847. Those provisions will relate chiefly to the possession of arms and gunpowder, to control over persons moving about at night, to compensation to individuals at the cost of districts, and to increased powers for obtaining evidence. The Bill will not place in the hands of the Government any general power of suspending personal liberty, nor will it revive the provisions of 1833 respecting courts martial; but it will provide means of summary trial and punishment without a jury, where necessary, for the offences committed under the Act. It will also confer more effective powers for the repression of offences against public order committed through the Press.

The enactments will be for a limited time, and will take effect only in districts of Ireland proclaimed for the purposes of the Act by the Lord Lieutenant. I shall abstain from going into any of the details of these provisions, and from bringing forward any arguments in justification of them. I do so because I am most unwilling to initiate any debate in this House, which at this moment would lead, I think, to no practical result and might even be of a harmful tendency. Considering that your Lordships will very soon have the means of dealing practically with the subject—for I trust the consideration of the Bill will not take long in the other House—I hope your Lordships will approve the course which I have taken.

THE DUKE OF RICHMOND: My Lords, I must confess that I have listened to the remarks of my noble Friend with mingled feelings of satisfaction and surprise—of satisfaction at the Government being at last roused to some sense of their responsibility for their duties in governing the country—of surprise at the very meagre statement with which the noble Earl has favoured us. He deprecates anything like a debate on this occasion, on the ground that it might have a harmful tendency. How harmful tendencies can arise I cannot possibly see. I am not going to initiate a debate on a measure of which we have so very slight an outline; but I must protest against the discussion of the state of Ireland being further delayed in this House. The noble Marquess opposite (the Marquess of Clanricarde) has repeatedly postponed a Notice he has placed on the Paper for Returns connected with this subject. I regret very much that the noble Marquess has not yet proceeded to bring forward his Motion, for the information for which he asks for would be most valuable in discussing the condition of Ireland, and I hope that after what has fallen from the noble Earl he will bring it on at no distant day. The noble Earl in making his statement guarded himself against entering into the present condition of Ireland; but I cannot help thinking that that is the whole gist of the matter. It is a condition perfectly unparalleled in her history; and if measures, such as we have now heard, be necessary at all, they are necessary solely on account of that condition. I should have been glad if my noble Friend had favoured us with the reasons and with the circumstances that have occurred between the delivery of Her Majesty's gracious Speech and the present time to warrant the Government in applying to Parliament for the powers for which they now ask. Whether those powers are sufficient to meet the case, I will not, in the absence of the Bill itself, pretend to say. I hope they may be; but I confess I entertain very strong doubts whether the measure which my noble Friend has shadowed forth will be at all adequate to the exigency which has arisen in that unhappy country.

THE MARQUESS OF CLANRICARDE asked whether it was the intention of the Government to give the House the information necessary for the due discussion of the Bill before the Bill came up to them.

EARL GRANVILLE said, the Government would do so.

LORD REDESDALE said, the noble Earl had made one great omission from his statement. He had stated that certain punishments would be applied to certain offences; but he had omitted to state what those offences were.

EARL GRANVILLE said, he did not think it desirable to enter more into detail on this occasion. The offences would be distinctly declared in the Bill itself.

THE MARQUESS OF SALISBURY: I must confess I feel surprise at the attempt of the Government to stifle discussion in this House upon a subject more deeply interesting to the country at large and more important than any other which we could consider. The state of Ireland is of the gravest possible kind; yet one would imagine, from the bald and meagre statement and the very mild language of the noble Earl (Earl Granville), that there was nothing more than some ordinary disturbance, in respect to which it was perfectly unimportant whether it was dealt with soon or late, whether by strong measures or weak, whether by machinery adequate or inadequate to its object. Indeed, the noble Earl gave to the subject no greater fulness of statement, nor greater earnestness of description, than if he had been moving the second reading of a private Bill. My complaint is, he has put off discussion in this House by representing that the Government were about to make a statement, and when the statement comes it is so bald an adumbration of some future legislation that it is absolutely inadequate to satisfy the just requirements of the House. I venture to enter my protest against treating the state of Ireland as a question which ought not to be submitted to Parliamentary discussion. The evil which we have to deal with is in one sense, I believe, utterly unprecedented. It is not that there have been great crimes—for it is, unhappily, the fate of all communities to have great and serious crimes committed among them—but it is that, in large and important districts of Ireland, the population is on the side of crime. You cannot get evidence, you cannot get convictions; and, as I understand the noble Earl's statement, to neither of those evils does he propose the slightest remedy. A peculiar tribunal, as I understand, is to deal with the offences created under the Act—such as going about at night after a certain time and the possession of arms and gunpowder; but I have not heard that it is proposed to place the fearful offences against life, which have been of late prevalent, under any other jurisdiction than that which has hitherto been found utterly inadequate to deal with them—namely, to a jury which sympathizes with the objects of the criminals. I will only express my hope that the noble Earl will lay on the table the Returns mentioned in the Motion of the noble Marquess (the Marquess of Clanricarde), and that the Bill will come up to this House at a sufficiently early date to enable us to discuss the subject without any great delay. The complaint we have to make of the Government is this — that while they are, and very rightly, introducing measures in order to meet the evils under which Ireland has been suffering, neither by their acts nor by their language have they shown any proper appreciation of the frightful magnitude of their danger, nor of the duties that are incumbent upon them in reference to it. We have, of course, no power of quickening their action in that respect; but I can only express what I believe to be the general feeling on this side of the House, that the measures which the noble Earl has announced do not, as far as his description of them enables us to conceive their effect, in any degree meet the necessities of an emergency which, at all events, excites a far deeper feeling on the other side of the Channel than it appears to do in the mind of the Government.

THE EARL OF CARNARVON said, he wished to understand clearly whether the noble Marquess (the Marquess of Clanricarde) deemed the explanation of the noble Earl (Earl Granville) to be of such a nature as to induce him to abandon his Motion for Returns. He thought it would have been better to have had some discussion of the question immediately after the statement of the noble Earl. He wished to ask the noble Marquess whether he intended to leave the Notice on the books, or whether he intended to proceed with his Motion before the Bill —which he was informed would be introduced in the Commons on Thursday—reached their Lordships?

THE MARQUESS OF CLANRICARDE said, that on this question he was in the hands of their Lordships. The noble Earl (Earl Granville) having stated the readiness of the Government to give the information referred to, and having expressed an opinion that a discussion on the subject would be hurtful, the matter was so serious a one that, though agreeing with the noble Marquess (the Marquess of Salisbury) and the noble Duke that the Government had not hitherto shown that they comprehended the gravity of it, he hesitated to share a jot of their responsibility. If the measure of the Government was insufficient, upon them must rest the whole responsibility. Those of their Lordships who did not remember, as he unluckily did, the passing of the Act of 1833, would find, on reference to the records of the House, that it passed in April, and that at the close of the Session, in August, the King was able to congratulate Parliament on the total cessation of crime, the measure having been so effective as to tranquillize the country in four months. In 1847 Lord Russell's Government, of which he was a Member, introduced a Bill, portions of which were to be embodied in the present measure, in November (Parliament having met early partly on account of the financial crisis) and at the prorogation in the following autumn Her Majesty was able to congratulate Parliament on crime having thereby been effectually put down. He trusted the provisions of the coming Bill would be equally effective. If the House were desirous that his Motion should be proceeded with, he should not shrink from the task; but under existing circumstances he would rather it were brought forward by some noble Lord opposite. After the remarks of the noble Earl he hesitated to take upon himself any responsibility in the matter.

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 14*th March,* 1870.

MINUTES.]—SELECT COMMITTEE—Houses of Parliament (New Refreshment Rooms), Mr. Headlam and Mr. Goldney *added.*

SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES [Deficiencies] £218,003.

PUBLIC BILLS — *Ordered* — *First Reading* — Brokers (City of London)* [71].

Second Reading—Elementary Education [33], *debate adjourned;* Mutiny*; Marine Mutiny*.

Select Committee—Tramways [54], *nominated.*

Third Reading—Coinage* [51]; Income Tax Assessment and Inland Revenue Law Amendment* [63], and *passed.*

SALES UNDER THE ENCUMBERED ESTATES COURT ACT.—QUESTION.

MR. WINGFIELD BAKER said, he would beg to ask the Chief Secretary for Ireland, If he will inform the House what has been the number of Petitions for Sales of Property under the Sale of Encumbered Estates Acts since the end of December last; whether, in any cases where sales have been completed, proceeding on notices to quit and evictions have taken place on such Estates since such date; and, whether it is not desirable that some steps should be taken to suspend the continuance of sales under the Court of the above named Acts until the Irish Land Bill, now before Parliament, becomes Law, in consequence of the hardships experience has shown evictions under the causes above referred to have brought on the tenants holding under Estates sold by the Encumbered Estates Court?

MR. CHICHESTER FORTESCUE said, in reply, that there had been some petitions presented to the Landed Estates Court since December last; but that, as only the first steps had been taken with reference to them, it would be impossible that any such results as those contemplated by the Question of his hon. Friend could have occurred. He also found that there would be no further sales until the end of April, and that these were few and unimportant. On the whole, he thought there was no reason for special interference in this matter on the part of Parliament.

EDUCATION.—QUESTION.

LORD ROBERT MONTAGU said, he wished to ask the Vice President of the Committee of Council on Education, Whether the following numbers given by Mr. Fitch in his recent Report on Education (see pages 21, 73, 78, and 111) are correct—namely, 83,126 children between the ages of three and thirteen in Birmingham, and 58,307 in Leeds; whether it was ascertained by the last Census (1861) that the number of children of the total population of England and Wales between the ages of five and twelve is 15·8 per cent of the gross population, or 1 in 6⅓, and that the children of the working classes, of the same ages, are 12·7 of the gross population, or 1 in 8; whether the calculation on p. 18 (note) of Mr. Fitch's Report, if accurately made, would not lead to the result that 14·3 per cent, or 1 in 7 of the population, are children for whom education in primary schools is required; and, whether, according to the population given in Return No. 114, of Session 1868, the number of children between the ages of five and twelve in Birmingham would thus be a little more than 45,000, and those in Leeds 29,000?

MR. W. E. FORSTER said, in reply, that he had reason to believe the numbers quoted by the noble Lord in the first part of his Question were correctly quoted from the Returns furnished by the Registrar General. With regard to the second Question, he believed the first quotation from the Census was correct; but he had not had time to inquire into the accuracy of the other. The Census Returns, however, were as open to the noble Lord as to himself. With regard to the third part of the Question, he believed Mr. Fitch's calculation was correct; and as to the fourth, he believed the noble Lord had confused one Return with another. The Return No. 114 referred only to the parishes of Birmingham and Leeds in the year 1861; while the present Return referred to the boroughs, and was for 1869. It was unnecessary to trouble the House with minute calculations of percentages of the population of different areas, but he might add that, in 1861, the population of the parish of Birmingham was 212,621, and of the borough 296,076; and the population of the parish of Leeds was 117,565, and of the borough 207,165. The noble Lord would see, therefore, that no inferences drawn from Returns relating to parishes of these towns in 1861 could by any means apply to the boroughs as they stood in 1869.

In answer to a further Question from Lord Robert Montagu,

Mr. W. E. FORSTER said, he had made it his business to ascertain facts to answer the noble Lord's Question as regarded the Return which he had laid on the table of the House; but he really could not answer any question with regard to the accuracy of Returns made by a statistical society.

SPAIN—CASE OF THE "MARY LOWELL."

QUESTION.

Mr. BENTINCK said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he will state the result of the communications addressed to the Spanish Government with reference to the alleged seizure of the American brig "Mary Lowell" by a Spanish ship of war in British waters on the 15th of March 1869, and lay upon the Table Copies of the Correspondence which has taken place upon the subject?

Mr. OTWAY, in reply, said, the *Mary Lowell,* an American vessel, laden with contraband of war, was captured by a Spanish frigate on the 15th of March last, off the Bahamas. Representations were made to Her Majesty's Government that the capture had been effected in British waters, and consequently communications were addressed from the Foreign Office to the Spanish Government upon the subject. The Spanish authorities, in their reply, denied that the capture occurred in British waters, and the vessel was condemned by the prize court of Havannah as a vessel taken on the high seas. Her Majesty's Government thought it due to the United States as well as to themselves that the circumstances under which the capture was made should be thoroughly sifted by some competent person, and accordingly the Admiralty were requested to send Commodore Phillimore to investigate the matter. His Report had been received, together with the charts and documents which he sent home, and after a careful examination of them, the Government were advised that the formal submission of the *Mary Lowell* occurred on the high seas. Her Majesty's Ministers at Washington and Madrid had accordingly been informed that the evidence as to the place of capture of the *Mary Lowell* did not justify a demand for her restitution, and this decision was to be communicated to the Governments of the United States and Spain. These communications were made in November last, and no reply had yet been received from either of the Governments named. The correspondence being incomplete he was unable to lay it on the table.

SALMON FISHING IN DEVONSHIRE.

QUESTION.

Sir STAFFORD NORTHCOTE said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to the Petition recently presented to the House on behalf of the Inhabitants of Barnstaple, Bideford, and other towns in North Devon, praying that the season for catching and selling Salmon in the Taw and Torridge Fishery District may be enlarged; and, whether he is of opinion that such enlargement is practicable and desirable?

Mr. BRUCE said, in reply, that his attention had been drawn to the Petition referred to. The powers at present vested in the Secretary of State did not extend to the time of selling salmon, but only to the catching of salmon. The matter would, no doubt, occupy the attention of the Select Committee now inquiring into the Salmon Fisheries, and he believed they would be in favour of extending the power of the Secretary of State.

COLLISION BETWEEN THE "BOMBAY" AND "ONEIDA."—QUESTION.

Viscount BARRINGTON said, he wished to ask the Secretary to the Board of Trade, Whether the Government have received any authentic information respecting the lamentable collision between the "Bombay" Steamship, belonging to the Peninsular and Oriental Company, and the United States' Corvette "Oneida?"

Mr. SHAW-LEFEVRE replied, that the Board of Trade had received no information as yet beyond what was in the newspapers as to the collision adverted to by the noble Lord, and the lamentable loss of life resulting to the crew of the United States' vessel *Oneida*. On receiving the first tidings of this disaster the Board of Trade took steps to insure a full and searching inquiry into it, but he had heard to-day that a court of inquiry had already been held at Hong Kong, and that it had suspended for six months the certificate of Captain Eyre, the master of the *Bombay*. The Report of these proceedings would be laid before the House as soon as it was received. In the meantime he earnestly hoped, for the credit of the merchant service, that the facts brought out before the court of inquiry would show that the master of the *Bombay* was not so culpable as had been represented.

ILLEGAL LOTTERIES.—QUESTION.

Mr. CHARLEY said, he wished to ask the Chief Secretary for Ireland, What steps the Government have taken, or intend to take, for the prevention of an illegal lottery, the tickets for which are headed "St. Clare's Female Orphanage," Harold's Cross, Dublin, and the drawing of the prizes of which is announced to be held on the 17th and 18th instant?

Mr. CHICHESTER FORTESCUE replied, that he was not previously aware of the important event which was about to occur in Ireland; but since the hon. Gentleman gave notice of his Question he had ascertained what that event really was. He found that a sort of bazaar was to be held at Dublin on the 17th and 18th of the present month in behalf of a Roman Catholic charity which supported some hundred and odd orphan girls. Whether the lottery to which the question alluded was contrary to law or not he did not mean to say; but he found that the same question had been raised over and over again under successive Irish Governments, and it had been uniformly decided that it was not the duty of Government to interfere in cases of this kind. These lotteries had no tendency to encourage gambling, and if anybody deemed them contrary to the letter of the law the courts were open and the question might be tried. He might remark that the strongest opinion on the subject was given by the legal Adviser to the late Government.

ARMY—CADETSHIPS AT SANDHURST. QUESTION.

Mr. WHALLEY said, he would beg to ask the Secretary of State for War, What arrangements are proposed for meeting the claims of those who, as sons of distinguished Officers in the Queen's and Indian Service, would in the ordinary course have been nominated to Cadetships at Sandhurst, with the advantages of a free education and a commission in the Army without purchase, under the circumstances of that College having been closed since June 1869 to further admissions, pursuant to the Report of the Royal Commission on Military Education?

Mr. CARDWELL replied that the subject was under consideration by the India Office and the War Office, and he expected that he should be able almost immediately to state the result.

CHINA—OUTRAGES UPON MISSIONARIES.—QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, as it appears from Despatches published in the "North China Daily News," that the French Charge d'Affairs, M. Rochechouart, in a personal interview with "Ma," the Viceroy of Nankin has obtained ample redress for the late outrage by the Literati at Ngan-king upon French Missionaries, and a grant of a plot of land within the walls of Ngan-king for a Church and Mission House; whether Sir Rutherford Alcock in his personal interview with "Ma," the Viceroy, has obtained equivalent redress for the outrage by the Literati upon English Missionaries in Ngan-king; whether the following circumstances, as detailed in a private letter published in the "China Overland Trade Report" of the 25th January, and dated Tamani, 10th January 1870, have been reported by the

Consul at Tamani, or have come to the knowledge of the Foreign Office—namely, that, by order of the Tavatar of Tarwanfoo, the Mandarin of Oulan has proclaimed a reward of 200 dollars for the head of Mr. Pickering, a British merchant, travelling with a Chinese pass in Formosa,. after confiscating his property to a large amount; and, whether Mr. Field, a British merchant, has been put into irons, after being robbed of 1,000 peculs of camphor, he also travelling under the protection of a Chinese pass?

MR. OTWAY said, in reply, that in regard to the first part of the Question of the hon. and gallant Member, he had to state that the Government had received no information whatever respecting the redress alleged to have been obtained by M. Rochechouart for an outrage upon French missionaries at Ngan-king. The circumstances attending Sir Rutherford Alcock's interview with "Ma," the Viceroy, were as follows:—Some English missionaries established themselves in Ngan-king, a province where they had no treaty right. They were told that they incurred considerable risk, but they took no heed of the warning. They remained unmolested till April, when the governor of the province informed them it would be advisable for them to leave the city, as an examination of students was about to be held. They did not think proper to do so, and these students in a large body took occasion to pull down the mission house, and so threatened the missionaries that they, with their wives and children, had to take refuge in the palace of the governor. The governor afterwards sent them away under an escort, and gave them 100 dollars besides. Sir Rutherford Alcock had an interview with the governor, and he promised that, on obtaining a list of the expenses which the missionaries had incurred in consequence of the outrage, he would refund the amount, and also punish the ringleaders of the students. Therefore, there was no occasion for Sir Rutherford Alcock to make any application to the Viceroy. Nevertheless, he had represented the matter to the Viceroy, who pointed out that by residing in a place where no treaty right applied to the missionaries they had acted imprudently, and had rendered themselves liable to outbursts on the part of the people which it was difficult for him to repress. A demand for compensation to the amount of 1,700 dollars had, he was informed, been made.

METROPOLITAN POLICE.

QUESTION.

MR. EYKYN said, he would beg to ask the Secretary of State for the Home Department, If Serjeant George Lewis, 1 B, Stephen Fairchild, 91 B, and Daniel Burden, 363 B, who were fined by Mr. Arnold, the Police Magistrate, on 4th of June 1868, for having been guilty of stating falsehoods on oath, and that he had come to the conclusion that on the side of the Police lay the perjury, whether the abovenamed Policemen are still retained in the force?

MR. BRUCE: Sir, the facts of this case are not accurately stated in the hon. Gentleman's Question. No charge was made against these men of having been guilty of stating what was false. They were charged only with neglect of duty, and the facts are briefly these—Some persons witnessed a fight between women in Eaton Square, and called on the three policemen, named in the Question, to interfere to prevent its being continued. According to the statement of the persons who appealed to the policemen, the latter neglected to interfere. The case was heard before Mr. Arnold, the police magistrate, who was of opinion that the police had been guilty of neglect. He accordingly fined them, and, in consequence of that decision, my right hon. Friend and predecessor the Member for the University of Oxford (Mr. Gathorne Hardy) inquired into the circumstances, and obtained from Mr. Arnold a Report of the whole proceedings. After consideration of that Report the right hon. Gentleman thought it his duty not to dismiss the men, but to retain them in the force. I may, at the same time, tell my hon. Friend I have not the slightest doubt that if they had been found guilty of perjury they would have been instantly dismissed. In the present instance there was a conflict of evidence, and there being a doubt, my right hon. Friend opposite gave the benefit of that doubt to the accused. Two of them still remain in the force, but the third was subsequently dismissed for misconduct.

ADMIRALTY LIVINGS.—QUESTION.

MR. HODGSON said, he would beg to ask the First Lord of the Admiralty, If any of the Admiralty livings mentioned in the Scheme "Greenwich Hospital," Parliamentary Paper No. 343, Session 1866, have been sold; and if sold, why the living of Alston has not been augmented in accordance therewith?

MR. CHILDERS replied that under the Greenwich Hospital Act of 1865, a certain number of livings were to be sold and the proceeds applied, one moiety to increasing the value of other livings, the other moiety to forming a fund to augment the pensions of retired naval chaplains. The Act came into operation in 1865, but he did not find that any steps had been taken in regard to it by his predecessors. As soon as the business connected with Greenwich Hospital, under the Act of 1869, was thoroughly finished, he intended to take up the subject with the view of selling the livings.

ELEMENTARY EDUCATION BILL.
QUESTION.

MR. BAINES said, he wished to ask the Vice President of the Committee of Council on Education, Whether it is intended that (in case of the passing of the Elementary Education Bill), after notice shall have been given, according to Clause 9, of the insufficiency of public school accommodation in any school district, the Department should make building and annual grants towards the establishment and support of any new school, whether denominational, undenominational, or secular, in the same way as grants are now made to schools connected with religious denominations; whether, in choosing among offers to build new schools, the Department will be governed by the same principle as at present—namely, that "the new school is suitable to the families relied upon for supplying scholars," either as to their religious denomination or otherwise; and, whether new schools thus formed will be wholly independent of school Boards and of local rates?

MR. W. E. FORSTER said, in reply, that unless the conditions of the Parliamentary grant were altered after the passing of the Bill, grants would be made towards the establishment and support of any new schools, whether denominational, undenominational, or secular, in the same way in which grants were now made to schools connected with religious denominations. In answer to the second Question of his hon. Friend he had to state that, unless those conditions were changed, in choosing among offers to build new schools the Department would be governed by the same principles as at present. In regard to the third Question, any new schools which would be thus formed would be wholly independent of schoool Boards and the local rates unless aid were granted by the school Boards under Clause 22, in which case the school Board might assist them in common with the present denominational schools. It would be observed his reply was limited by the supposition that the present conditions of the Parliamentary grant would not be changed. He had already stated, in answer to several Questions, that if the Bill became law it would become the duty of the Government to reconsider the conditions on which aid should be given out of the taxes, but he could not conceive that the present or any Government would change the condition contained in Section 22 of the Code, that in all aid given out of the public funds towards the building of new schools such aid should not be given unless their religious denomination was suitable to the families supplying the scholars. He could not conceive that in any new revision of the Code that condition would be departed from. He might add, that condition would apply to building grants to school Boards as well as to private individuals.

REPRESSION OF CRIME AND DISORDER IN IRELAND.—QUESTION.

MR. DISRAELI: Perhaps the right hon. Gentleman the Prime Minister will inform the House when he proposes to lay on the Table the Amendments on the Irish Land Bill which he intimated the Government would be ready to adopt?

MR. GLADSTONE: Sir, I will take care that any Amendments which we may think of proposing shall be placed on the table at a convenient time; not, however, in all probability, before Thursday next. I do not know that they will be of great magnitude. I may take this opportunity of answering the Question which was put to me by the noble Lord the Member for North Leicestershire (Lord John Manners) the other night, the reply to which I was obliged to postpone. I shall confine myself on the present occasion to stating, in a very general and incomplete manner, the direction which the proposals indicated in this reply may take, leaving it to the proper occasion to discuss, and justify, and defend those proposals. My right hon. Friend the Chief Secretary for Ireland will to-night give notice that on the first Government night — which will be on Thursday next — he will ask for leave to introduce a Bill for improving the securities for the maintenance of life and property in Ireland. The Bill will consist, in point of form, of enactments amending the Peace Preservation Act of 1856, and reviving some provisions contained in prior Acts, and especially the Act of 1847 and the Act passed by the Government of Lord Grey in 1833. The Bill will not propose to place in the hands of the Executive any general power suspending personal liberty, neither will it revive those provisions of the Act of 1833 which relate to the trial of offences by court-martial. It will provide the means of summary trial and punishment without jury, applicable to offences which will be created under the Bill. The principal heads to which the provisions I now speak of will be directed will be the possession of arms and gunpowder, the control over persons moving about by night, compensation to individuals who have been the object of outrage and to their relatives in certain cases, and an increase of the powers at present afforded by law for obtaining evidence. The enactments will be proposed to subsist for a limited time, and will take effect in those districts of Ireland which may be proclaimed for the purposes of the Act by the Lord Lieutenant. But, over and above these provisions which shall be confined in their operation to the proclaimed districts in Ireland, there will be provisions relating to offences committed against public order by the Press, and intended to give more effective powers to the Government, on their responsibility, for the repression of these offences. To this very brief sketch I limit myself for the present occasion, because I do not wish to say anything further on proposals which we shall have the fullest opportunity for discussing and explaining in the House.

ARMY—OVER-REGULATION PRICES OF MILITARY COMMISSIONS.

EXPLANATION.

MR. CARDWELL: I promised, Sir, that I would to-night give an answer to the Question put to me last week respecting over-regulation prices of commissions in the Army. The Estimates for the present year propose a considerable reduction in the number of officers, and I have introduced into the Votes a sum of £49,000, by which it is intended to provide for the purchase of the first commissions vacated. It appeared to me desirable to take this opportunity of accomplishing a purpose which I thought would be beneficial to the subaltern officers of the Army, and which was recommended to me by my predecessor in office —I mean the abolition of the ranks of Cornet and Ensign — and for that purpose I introduced into the Estimates the further sum of £45,000. Looking to the advantages of that proposal, I thought it might have been accepted without raising the general question of the over-regulation prices, which it was neither my intention nor desire to raise. That view, however, has not been taken; the general question has been raised; and, as I feel that the proposal I have made is not of sufficient importance to bear the weight of the general question, I do not propose to persevere in it, but, on the contrary, to take that sum of £45,000 as an addition to the saving to be realized by the present Estimates. The question having been raised, Her Majesty's Government are of opinion that it ought to be thoroughly examined. They have no desire to deal with the question of purchase except upon principles of perfect equity. What is known to every one is that, notwithstanding the prohibitory provisions of the statute, over-regulation prices are generally paid; but there is no information which can be officially considered by the Crown or laid before Parliament, and it is the intention of Her Majesty's Government humbly to advise Her Majesty to institute inquiries by a Commission for the purpose of obtaining that information.

ORDERS OF THE DAY.

Ordered, That the Orders of the Day be postponed till after the Notice of Motion relative to Captain Coote.—(*Mr. Gladstone.*)

IRELAND—CASE OF CAPTAIN COOTE.

RESOLUTION.

VISCOUNT CRICHTON said, he rose to call the attention of the House to the circumstances connected with the dismissal of Captain Coote from the Shrievalty of the county of Monaghan and the appointment of his successor. He would, in the first place, thank the right hon. Gentleman at the head of the Government for having afforded him so early an opportunity of bringing the case before the House. When he first gave notice of his intention to ask the Chief Secretary of State for Ireland for an explanation of the circumstances, he thought that he should be merely called upon by a simple recital of the facts of the case to show that a most unmerited insult had been cast upon Captain Coote by a measure so strong and unusual as his dismissal from the position of High Sheriff, in the arbitrary exercise of their power by the Irish Executive. But on looking into the matter, he found that another and far graver question was involved — the constitutional question with regard to the appointment of the present High Sheriff. The circumstances under which the dismissal of Captain Coote occurred were these— At the Spring Assizes of last year a man named M'Kenna, a Roman Catholic, was indicted for the murder of James Clarke, a Protestant, in the course of a riot in the previous year. When the trial came on, the constitution of the jury panel was challenged by the counsel for the prisoner, on the ground that his case was prejudiced by the exclusion from it of Roman Catholics. It was worthy of note that on the panel thus challenged the first two who answered to their names were Roman Catholics, and that after the challenge had been made the panel was set aside. A correspondence thereupon ensued between the Chief Secretary for Ireland and Captain Coote, from which it appeared that the Lord Lieutenant exonerated Captain Coote from all blame in the matter, inasmuch as he had left the constitution of the panel to his deputy, but required that the deputy should be dismissed. With that request Captain Coote refused to comply, on the ground that the verdict was contrary to the evidence, and to the Judge's Charge, and was given under circumstances which deprived it of moral weight. After some further correspondence, Captain Coote was dismissed. Before entering further into the subject, however, he wished to invite attention to the correspondence which was carried on between the Chief Secretary and Captain Coote, which was published in the Irish newspapers last year, and the accuracy of which was, he believed, not challenged. In the course of the correspondence his right hon. Friend the Chief Secretary for Ireland stated that, having most carefully reviewed all the circumstances of the case, and deeming it to be the duty of the Government to insure strict impartiality in the administration of the law, the Lord Lieutenant had come to the conclusion that he could not permit Captain Coote to remain as Sheriff of the county any longer. One would have thought that the first duty of the Lord Lieutenant was to consult the presiding Judge and take his opinion on the subject. Now, Captain Coote had written to Judge Morris, who tried the case, stating that, as the Irish Executive had revoked his appointment, he should be glad, if the request were not singular, to have a copy of the Judge's notes of the trial. To this the Judge replied that it would be unusual for the Judge to furnish such notes except to the Lord Lieutenant, adding, however, that he thought it due to Captain Coote to say that he had not been applied to by the Executive in this matter. Now, to come to the occurrence of Captain Coote refusing to comply with the demand of the Lord Lieutenant. He did so, first, on the ground that the verdict was contrary to the evidence. It was asserted in the challenge that the High Sheriff was an Orangeman. This was proved to be false. Then it was asserted that the Orange Society had subscribed to the proceedings against M'Kenna. This proved to be false. It was also asserted that the Sheriff and sub-Sheriff, as Orangemen, had taken part in instituting those proceedings. This, of course, was also proved to be false. The sub-Sheriff swore that he had framed the panel impartially—that he did not distinguish between Protestants and Catholics. The only thing that remained in the challenge was that the Sheriff was an Orangeman, which the Judge ruled was no disqualification. He would leave the question of the alleged preponderance of Protestants on the panel to his hon. and gallant Friend the Member for Monaghan (Colonel Leslie), and would pass on to the consideration of the second part of Captain Coote's rejoinder, that the verdict was contrary to the Judge's Charge. The opinion of Judge Morris, as expressed in that Charge, was, that the proportion of Roman Catholics and Protestants on the panel was a fair one. He stated that the law recognized no distinctions among jurors on account of religious differences any more than it did on account of the colour of their hair, and that the late Chief Justice of the Queen's Bench had refused to allow such an inquiry. How, in the face of that Charge, the verdict could have been given that was given, and how the Executive could have acted upon it as they did, he (Viscount Crichton) must say passed his limited comprehension. The third ground assigned by Captain Coote for his refusal to dismiss his deputy was, that the verdict was given under circumstances that destroyed its moral weight. As to that, the only witness on whom the Crown had relied for the identification of the deceased as having walked in a procession—before the riot—was one of the triers, a man named M'Phillips, who swore to seeing him in the procession, and who was under cross-examination for two days. He (Viscount Crichton) had endeavoured to show that the evidence upon which the sub-Sheriff was found guilty of having improperly arranged the panel was insufficient. But supposing the reverse to be the case, was it right or just to dismiss the High Sheriff because his deputy held certain political opinions or acted in a certain manner? He had referred to the debates which were held in 1838, in Lord Mulgrave's time, upon a somewhat similar case which occurred when Mr. Stanley was Secretary for Ireland; and Lord Brougham, with Lord Lyndhurst, strongly condemned the action of the Government on that occasion, and said that the Government had no right to interfere in the matter. Then, how was Captain Coote's successor appointed? Where was he found? By whom was he returned? By what law, usage, or custom was Mr. Langdale made High Sheriff of the county of Monaghan? In Ireland the Sheriffs were originally chosen from the freeholders of counties, who selected twelve electors, and they chose three persons, one of whom received the appointment. The Statute of Sheriffs of Edward II. vested the selection in the Chancellor, the Treasurer, the Barons, and the Justices. There was a unanimous decision by the twelve Judges in the reign of Henry VI. on a case in which the King, passing over the list of the Judges, appointed of his own will a Sheriff of Lincolnshire. This man refused to act, and the question arose what should be done. The decision was, that if none of the three persons originally named was appointed, the name of a suitable person ought to be obtained in the prescribed manner; and in his *Commentary* Lord Coke said this was a just exposition of the statute concerning the making of Sheriffs. Another case happened in the reign of Queen Elizabeth. The Judges were unable to meet to elect the Sheriffs for the ensuing year; the Queen took upon herself to choose them, and in almost every case she selected them out of the list sent in by the Judges in the preceding year. Blackstone remarked that this was the only authority for making exceptional appointments of Sheriffs. This being the law and the usage in England, how were they applicable to Ireland? In the reign of Henry VII. Poyning's Act was passed, making all the English statutes then in force applicable to Ireland; and these Acts, with one or two exceptions, continued in force. A book upon Sheriffs of the date of 1776 stated that the practice was the same in Ireland as in England. From 1776 to 1816, probably owing to the disturbed state of the kingdom, Sheriffs were occasionally appointed in an irregular manner. In 1816 the late Sir Robert Peel, then Mr. Peel, Chief Secretary for Ireland, restored the practice to its original form. Ten years later, in 1826, a Commission was appointed to inquire into the Courts of Justice in Ireland; and in an appendix to the 15th Report of the Commission there appeared a letter from the late Lord Chief Justice Wolf, stating what the practice was. He said that, upon the Summer Circuit, the senior Judge in each county secured the best information he could collect as to the gentlemen qualified for the office of High Sheriff, and selected the three he thought most eligible for the office. In the following Michaelmas Term, on a day fixed for the purpose, the Chancellor met the Judges in the

Chief Justice's chamber, and each Judge handed in his list; the qualifications of each gentleman named were discussed, names were transposed, struck out, and substituted; the list, as settled, was laid before the Lord Lieutenant and published in the *Dublin Gazette*, and from that list the Lord Lieutenant made the final selection. This, he believed, was the practice at the present day. In a Charge delivered very recently by Chief Justice Whiteside, that high authority stated that the Sheriff was not a nominee of the Crown. He (Viscount Crichton) was at a loss, therefore, to understand how the Government could justify their recent interference, unless upon the principle of "exceptional legislation for Ireland." With respect to Mr. Langdale personally, not a word could be said against him. He was an English gentleman of an old Roman Catholic family, he had some property in Monaghan by right of his wife; but so far as he (Viscount Crichton) had been able to ascertain, he had never served on the grand jury; he was totally unacquainted with the great majority of the inhabitants of the county, and, indeed, it was said that up to the time of his appointment as High Sheriff, his face had never been seen in the county. Against Mr. Langdale's appointment in itself, however, he (Viscount Crichton) had nothing to urge had he been appointed in a proper manner. From *Thom's Almanac* for last year it appeared that Mr. Langdale's name was not on the Judges' list. The three names were those of Messrs. Coote, Brady, and Denison. He might be told that there were reasons why the two latter gentlemen could not serve; but in that case, the proper course would have been for the Executive to have applied to the Judges for a further list. He was informed that during the administration of the Duke of Abercorn it happened three or four times that the list sent in by the Judges was exhausted, and on each occasion a letter was sent from the Castle to the Lord Chief Justice requesting him to call the Judges together again in order to obtain fresh lists from them. If the lists returned by the Judges were to be set aside at pleasure, and the nominees of the Government substituted for the gentlemen named by the Judges, their lists were merely waste paper, and the meeting of the Judges and the Lord Chancellor in Michaelmas Term was a solemn farce. In the prescribed mode of appointment there were two guarantees for the nomination of a suitable person—there was the security of the gentry of the county, whose representative, the High Sheriff, returned a list of names to the Judges, and there was the security of the Judges of the land, who named three gentlemen to the Lord Lieutenant; and the importance of maintaining these securities was evident when it was stated that the High Sheriff returned all the jurors in his county. Suppose a trial was pending in which the character and conduct of the Government, or some agent of the Government, was involved, or at which some person who had rendered himself obnoxious to the powers that be was to be arraigned, and the Government were anxious to secure a conviction or an acquittal, as the case might be, if the High Sheriff proved inflexible and he could be dismissed and another appointed in his place, the jury list could be tampered with in order to defeat the ends of justice. The action of the Government did not stop with the appointment of Mr. Langdale. When his term of office was drawing to a conclusion the Judges submitted three other names in the regular way; but when the result came out, it was found that Mr. Langdale, whose name was not upon the list, was re-appointed High Sheriff. Such a re-appointment was, to say the least of it, unusual; and the Government seemed to have taken that view of it in the case of the county of Sligo in 1868. In that case three names had been on the list of the preceding year—Messrs. Howley, Orme, and O'Connor. Mr. Howley, who had been appointed, resigned from indisposition. Mr. Orme was appointed in his place by the Duke of Abercorn for the remainder of the year; at the end of that period he expressed a wish to be re-elected, on the score of the expense he had gone to for equipages and liveries. But the present Government rightly, and in accordance with usage, refused to accede to his request. Why had they not acted upon the same rule in the county of Monaghan? He had no wish to attribute motives; but the fact that Mr. Orme was a Protestant, and that his successor was a Catholic, seemed significant. He should be told that precedents were to be found for overriding the gentry of the county and the authority of the

Judges; he was quite aware of it; he believed there was no course, however unconstitutional and arbitrary for which precedents might not be found; but he did not think that precedents taken from the dark ages of English constitutional history, and from the days of the Stuarts, would find much favour in the present House of Commons. On seven different occasions Charles I. appointed Sheriffs of his own motion, passing over the Judges' list; but he appointed those who, in the House of Commons, were obnoxious to him, and of whom he wished to get rid, in order that he might the more easily obtain money without the consent of Parliament. That precedent, therefore, was not of much value. James II. also played the same game, and there was a correspondence between him and Lord Clarendon, in which the King requested the appointment of Sheriffs to be deferred until he gave instructions, and in which Lord Clarendon, referring to the receipt of a list, said he thought it strange, to say no more, that any two men should take upon them to give in a list for the whole kingdom, and so interfere with the nominations of the Judges, who were the proper persons to name gentlemen for these appointments. In the days of James II. the practice in Ireland was for the Lord Lieutenant to send to the King every year a list of the High Sheriffs. That list was submitted to some creature of his Majesty, who made remarks thereon. Then the list was again transmitted to the Lord Lieutenant, who answered the remarks; and it might be interesting to some hon. Members of the present House to know what comments were made on their ancestors. Against the name of Sir Michael Coote were the words—"Weak and Whiggish." The next was Sir Thomas Fortescue, and the note against his name was—"A creature of the Chancellor—but loyal." He had endeavoured to show that the evidence on which Captain Coote was dismissed from the Shrievalty was insufficient, and the appointment of his successor unconstitutional; but he had been actuated by no factious motives in bringing forward the Motion. He called attention to the subject because he believed injustice had been done to an individual, and a breach of the Constitution committed. He believed he was borne out in the view he had taken by Coke, Blackstone, Lyndhurst, and Brougham; and Junius, in one of his letters, advised that no invasion of the Constitution should be suffered to pass without the most determined resistance, for one precedent created another, and thus precedents went on accumulating until they constituted law. If the course adopted in the case he brought under notice were generally persevered in, it would have the effect of alienating the feelings of the gentlemen of the country, and probably of lowering the influence of the law. This, in the present state of Ireland, would be a most dangerous experiment. The treatment of Captain Coote, taken in connection with the dismissal of a magistrate in the same county, and contrasted with the leniency shown towards a gentleman of superior social standing, who was permitted to talk treason mingled with direct appeals to violence and bloodshed, was calculated to produce the impression that a different measure of justice was to be meted out to Protestants from that which their Roman Catholic fellow-countrymen received, and to disincline the former from undertaking offices which they had hitherto filled to the benefit of the community at large. The hon. Member concluded by moving his Resolution.

Colonel LESLIE, in seconding the Resolution, said, that having known Captain Coote and Mr. Mitchell for a great many years, he desired to record his opinion that they were incapable, either for political or religious purposes, of tampering with the jury panel. He wished to call the attention of the House, without trespassing at any great length upon its time, to some points which had not been dwelt on by his noble Friend (Viscount Crichton). The assize town—Monaghan—was not in the centre of the county, and there was no railway communication with it from some distant baronies where the population was Roman Catholic; consequently there existed a difficulty in obtaining jurymen from those parts. The subject had long attracted the attention of the grand juries and magistrates, and it being suspected that the barony constables were capable of taking bribes from persons desirous of being left out of the lists, they came to an arrangement among themselves that these officers, instead of being appointed annually, should be appointed for seven years. The consequence was that a much higher class of men had been induced to accept the office; and he was informed that the effect on the jury panel had been most beneficial. This showed that the magistrates of the county had done all they could in order to place a proper class of men on the panel. The sub-Sheriff, whose conduct was complained of, had filled the office eight years, and he hardly thought that that would have been the case if he were an improper person. He would state for the last twelve years the number of Roman Catholics on the jury panel of Monaghan. In 1857 there were 50 Roman Catholics on the panel, and both the Sheriff and sub-Sheriff in that year were Roman Catholics; in 1858 there were 23; in 1859, 10; in 1860, 42; in 1861, 56; in 1862, 40; in 1863, 50; in 1864, 50; in 1865, 53; in 1866, 66; in 1867, 54; in 1868, 48; and in 1869, 49. It was to be remarked that the smallest number of Roman Catholics on the panel in any one of those eight years — when Mr. Mitchell was sub-Sheriff—was 40, while in another of them it was as high as 66. It had not been so high as that in any other year of the twelve years. In 1859 it was only 10. With regard to the action of the Government, and the verdict upon which that action was taken, the verdict was given by two triers, selected by the Judge to decide whether the panel had been properly challenged or not, and those men, both of whom were Catholics, and one of whom kept a well-known public-house, had since been struck off the petty jury panel. Last year the Gentleman who at that time filled the office of Attorney General for Ireland—and who, during his short career in the House of Commons, gained as much esteem for himself as anyone ever had in the same period—explained to the House the mode of trying a challenge to the array. He said—

> "M'Kenna was then put upon his trial, and the array was challenged on his behalf. It was the greatest misfortune which could befall the administration of the law that religious considerations should enter into the selection of juries; but the charge against the Sheriff was that he had designedly inserted the names of Protestants upon the panel, intending to prejudice the trial of M'Kenna, and the counsel for the Crown could take no other course but to consent to try that issue. The mode of applying triers was peculiar, and, perhaps, not over satisfactory, but it had been transmitted from very ancient times. The first two persons who answered to their names were sworn, and in this case it was certainly a remarkable circumstance that the persons appointed to try such a serious issue were both Roman Catholics."

Later in the year there was a trial at Galway, the particulars of which must be well known to the hon. and learned Member for Tipperary (Mr. Heron). According to the newspaper reports, Mr. Heron challenged the array at that trial. The Attorney General demurred, and the question as to how the challenge was to be tried having arisen, Mr. Heron referred to the Monaghan case, and wanted to have it tried in accordance with that precedent; but the Attorney General said that if the course taken at Monaghan were reviewed, it might not be found satisfactory, and Mr. Justice Keogh said that a different course had been adopted in the State trials at Cork and another place. The Charge delivered by Judge Morris at Monaghan was said to have been as strong as possible against such a finding as that which was subsequently arrived at; but a Queen's Counsel remarked—"You might as well have charged against a stone wall." Why did not the Executive in 1869, when Mr. Coote was dismissed, appoint the next gentleman on the Judges' list instead of appointing Mr. Langdale? That next gentleman was Mr. Brady. In 1870, when Mr. Brady was at the head of the list, they did ask him; but his health did not admit of his accepting the office, and instead of applying to other gentlemen in their order of succession on the list, the Executive again appointed Mr. Langdale. In 1869 Mr. Langdale appointed as his sub-Sheriff a gentleman noted for his very strong feeling in politics and religion on the other side; but when nominated to the office for the present year he appointed the master of an Orange lodge. He would read to the House what Lord Lyndhurst said in 1838 on the appointment of Sheriffs—

> "Neither by the common law, nor by the statute law, was the power of appointing Sheriffs vested in the Crown. He would state broadly and distinctly his opinion, founded upon the Act called 'Poyning's Act,' that the Lord Lieutenant had no power to go out of the Judges' list. The Act of Parliament was precise upon the point; and who would say that an Act of Parliament was not to be obeyed by the Crown?"—[3 *Hansard*, xliii. 1005.]

He held that it was the duty of the Government to do everything in their power to make the law effective. That could be done only by a system of perfect impartiality as between individuals, and as between sects. Let the same law be applied to Roman Catholics and to Protestants, to priests and to Presbyterian ministers, to the Peer and to the peasant. The Irish were very shrewd and very quick in their perception. There was nothing the lower classes in Ireland appreciated so much as justice. He himself had known an agent to be able to do anything with a tenantry in Ireland, because, though he was perhaps harsh, he was just. An ounce of justice was worth a bushel of legislation. He hoped that by dealing out justice equally among all classes in Ireland, that country would be made prosperous and happy.

Motion made, and Question proposed,

"That, in the opinion of this House, the conduct of the Government in the dismissal of Captain Coote from the Shrievalty of the county of Monaghan and the appointment of his successor has been unconstitutional, and calculated to impede the due performance of public duty."—(*Viscount Crichton.*)

MR. CHICHESTER FORTESCUE said, it was most natural that his hon. and gallant Friend the Member for Monaghan (Colonel Leslie) should have seconded the Motion, and he thought it was most fortunate that the Motion should have been brought forward by his noble Friend (Viscount Crichton), who had done so with much intentional fairness. He was, however, unable to agree with the greater part of what had been urged either by the noble Lord, or the hon. and gallant Gentleman; and it would be his duty to state to the House the special and imperative reasons which had led the Irish Executive to depart in the case of the Sheriff of Monaghan from what he admitted to be, not the law, but the wholesome and beneficial practice in Ireland, with respect to the choice of the Sheriffs from the Judges' lists. He did not contend for one moment that what the Government had thought it their duty to do was a course that ought to be taken by any Government except under special circumstances, and for very good reasons connected with the public interests. When those reasons did not prevail—and he hoped they would be seldom found to exist—he agreed that the ordinary and wholesome practice ought to be—and he was sure it would be—maintained. Two questions were raised by this Motion: first, there was a question relating to the dismissal of the Sheriff of Monaghan, which it was the painful duty of the Irish Executive to order; and, secondly, there was a question as to the appointment of his successor. His noble Friend (Viscount Crichton) had passed very lightly over the transactions out of which this controversy had arisen, and he (Mr. Chichester Fortescue) was therefore bound to inform the House what those transactions were, because they showed very clearly, not only the nature of the case with which the Government had to deal, but also the imperative necessity there was for the Government dealing very carefully, and even very rigidly, with the administration of the law in Ireland. He would not go further back than 1865, when there was a General Election, at which there were formidable scenes in the town of Monaghan. Those were scenes of party conflict arising out of the old feud between Protestants and Roman Catholics. During the disturbance on the day of election a Roman Catholic voter, who was among the crowd at the railway station, was shot, and in the following year a person was put upon his trial for causing that death; but that person, who was a Protestant, and, he believed, an Orangeman, was tried in the town of Monaghan by a jury consisting of Protestants, and was acquitted. He (Mr. Chichester Fortescue) did not say that that acquittal was not right; but it was absolutely essential that the House should know the facts, in order that they might understand the nature of the circumstances and the state of society in the county of Monaghan. In July, 1868, there were in the town of Monaghan the scenes usual on an Orange anniversary; there was the annual specimen of civil war, only that year it was rather worse than usual. Very violent outrages occurred, and a Roman Catholic, named Hughes, was shot by some one from the window of the Orange Hall, which was attacked by a mob. Later in the year, in November, there were similar disturbances of a party character in the town of Monaghan, upon which occasion a Protestant, named Clarke, lost his life. It was supposed that he met his death at the hands of a man named M'Kenna, who was at the Spring Assizes of last year charged with that homicide. At that time a large number of persons, mostly Roman Catholics, were awaiting their trial upon charges of greater or less gravity. There were about 100 Roman Catholic prisoners, and twelve or fifteen Protestants. Among the Protestants was one David Baird, who was charged with the homicide of the Roman Catholic, Hughes; and among the Roman Catholics was M'Kenna, who was charged with the homicide of Clarke, the Protestant. The trial of Baird came on first. He was tried by a jury entirely consisting of Protestants, and he was acquitted. He (Mr. Chichester Fortescue) had no reason to say that the verdict was an improper one; indeed, the opinion of the then Attorney General for Ireland was that that acquittal was not improper. These, however, were facts which had made a great impression upon the people of Monaghan, and must be taken into account when a question concerning the administration of justice and public confidence in the law was brought forward. When M'Kenna was put upon his trial for the homicide of Clarke, and before the jury was struck, the prisoner's counsel challenged the array of the jury panel, which he alleged was not properly and impartially constituted, but was, on the contrary, constituted in such a way as to prejudice the case of a Roman Catholic prisoner. That challenge was submitted in the ordinary way to the constituted tribunal of "triers." At this point he must say one word about what his hon. and gallant Friend (Colonel Leslie) supposed to have been the opinion given at Galway by the late Attorney General for Ireland, who was thought to be adverse to the appointment of those triers. He could entirely satisfy both his hon. and gallant Friend and the House upon that point, because he (Mr. Chichester Fortescue) had been assured by the Master of the Rolls for Ireland that he never said, or meant to say, anything at all approaching to what had been attributed to him. The contention of the prisoner's counsel at Galway was that the Judge was bound by law to take the first two names of the jury panel, and the Attorney General contended that he was not bound to do any such thing. He was not quite sure whether the Judge might not take the names of any two respectable persons; but the Judge was certainly at liberty to take two names from the grand jury panel. What Mr. Justice Morris did at Monaghan was to take the first two names upon the ordinary panel. At Galway the Attorney General contended, in accordance with a number of cases, that the Judge was not bound to take those names from the ordinary panel, but that if he pleased he might take two names from the grand jury panel. At Monaghan the triers were constituted in the ordinary way; they heard the evidence as to the constitution of the panel. It had been said that the triers were both Roman Catholics, and that had been hinted at as a circumstance which showed the reason for what followed.

VISCOUNT CRICHTON explained, that he did not assert that that circumstance was any reason for what happened. He merely said it was one of the circumstances that preceded this case.

MR. CHICHESTER FORTESCUE said, there was no reason why two Roman Catholic triers should not be impartial even in a party case. It was, however, a very curious circumstance that the first two names on the jury panel should have been those of Roman Catholics, especially when certainly not more than seven—he believed not so many—Roman Catholic names were in the first seventy names on the panel. It was an odd coincidence, but nothing more. Those two triers heard the case, and came to the conclusion that the challenge was justified, and that the jury panel had not been properly and impartially constituted. Upon that the trials of all the prisoners were necessarily postponed, and the panel was of course quashed. As soon as these facts were brought under his (Mr. Chichester Fortescue's) notice and that of the Lord Lieutenant, the Government, acting under the advice of the Law Officers of the Crown, at once saw that it would be scarcely possible to allow the sub-Sheriff, who, as it appeared, had constituted that panel, to continue in his office and constitute further panels for the county of Monaghan. When he said that he meant this—He did not mean to say it was absolutely imperative upon the Government to act upon the decision of those triers; but he did mean to say that the *primâ facie* case requiring the Government so to act was of the strongest kind, and it would have required the strongest ground to justify them in setting aside that decision and acting as if it had never been given. And in considering the arguments and the evidence put before those triers the Executive and their legal Advisers had no reason to think the triers were not justified in the conclusion to which they came. Soon after that a Question was put in that House, supported by a statement by his hon. Friend the Member for Cork (Mr. Downing), not long after the Spring Assizes. It was then the duty of the present Master of the Rolls to answer that Question, and in doing so, although those circumstances had then only lately happened, and the Government had not then as fully considered the matter as it did afterwards, the Master of the Rolls said he thought it would be the imperative duty of the Government to take some means or other by which the same sub-Sheriff should not constitute the jury panel of the county of Monaghan, as the same prisoners, implicated in the same charge, with the same party elements, were to be tried at the next Assizes for that county. The Government considered the matter most carefully, and at a convenient time before the Summer Assizes he addressed a letter on the part of his noble Friend the Lord Lieutenant to Captain Coote, the High Sheriff, couched, he thought, in very respectful terms, recounting the state of facts which he had just given to the House, and conveying in the strongest manner the opinion of the Lord Lieutenant that it must tend to shake public confidence in the administration of justice in the highest degree if the High Sheriff did not take immediate steps to appoint a new sub-Sheriff, whose duty it would be, in conjunction with the High Sheriff, to take care that the jury panel was fairly and properly constituted for the ensuing Assizes. The answer to that was a short letter from Captain Coote, respectfully declining to make a change of his deputy, and enclosing a statement of facts with regard to the framing of the panel which he thought would at once convince the Government they were wrong. That statement of facts was most carefully examined by himself (Mr. Chichester Fortescue) and the Law Officers of the Crown, and he was bound to say it more than ever convinced them that it was their duty not only not to set aside the verdict of the triers, but to give effect to it as far as the Executive were concerned. The House, first of all, ought to know that in the county of Monaghan there were 125,000 inhabitants, of whom 92,000 were Roman Catholics and 33,000 were Protestants; and the jury-book for 1869 contained 1,215 names, of which 423 were Roman Catholics and 792 Protestants. The High Sheriff and the sub-Sheriff had nothing to do with the jury book, but they were responsible for the jury panel which they made up from the jury book; and the jury panel for the Spring Assizes of 1869 contained 250 names, of which 201 were Protestants and only forty-nine Roman Catholics—a proportion very different from that comprised in the jury book. He should mention that the original jury panel contained 200 names altogether; but fifty special jurors were added—persons, as was well-known, of higher standing than ordinary jurors—and of those fifty only one was a Roman Catholic, and the result was, as he had stated, 201 Protestants to forty-nine Roman Catholics. One of the most remarkable facts relating to that part of the matter was that in the barony of Farney there were 291 jurors—the largest number, with one small exception, of any barony in the county—and out of those 291 jurors, 221 were Roman Catholics. And, further, in that same barony, there were 140 Roman Catholic jurors rated at and over £20 a year, and, therefore, men of a substantial and respectable class. Yet from that great barony, containing so large a proportion of Roman Catholic jurors, the Sheriff thought right to summon only twenty jurors, although how many of the twenty were Roman Catholics and how many Protestants he (Mr. Chichester Fortescue) could not say. The reason given by the Sheriff for doing that was that there was no direct railway communication between that barony and the county town of Monaghan. But there was railway communication [An hon. Member: No!], though it was not direct; and it was not easy to get from the one place to the other. Another reason he assigned was, that he was not so well acquainted with the jurors in Farney as with those in the county town. Now, he (Mr. Chichester Fortescue) ventured to say that those were no reasons at all. The Sheriff was bound to make the very best panel he could make. On an occasion of such gravity as that, when the serious offences to be tried were of a party character, he was bound to take care that the jury panel should be above all suspicion. But he did not do that. It should be added that the Roman Catholic names on the panel were, for the most part, placed low down on it. As he had already said, out of the first seventy names, there were only seven Catholic names. The Government, on a careful examination of all the facts, came to the conclusion that there were no grounds for setting aside the verdict of the constituted tribunal in that case, but that, on the contrary, it was their duty to accept that verdict and act upon it. They would at once have proceeded to do so had it not been for one statement made by the Sheriff of Monaghan, which had been alluded to by the Mover and Seconder of that Motion, and which he must explain to the House. The Sheriff described one of the triers, William M'Phillips, as a person who had sworn informations against James Clarke, for whose murder John M'Kenna was indicted. That implied a grave imputation against the impartiality of the trier, William M'Phillips; and, before going further, it was necessary to test that insinuation—because, of course, if anything of that kind could have been produced against M'Phillips, it might have made a difference in the decision arrived at. The Government, therefore, obtained a copy of the informations in question, and on examining them it appeared to him that, so far from that imputation being well-founded, the informations, on the face of them, were of a singularly fair and moderate character. They were only informations on a very trifling matter, to prove that that person had taken part in a party procession, carrying a flag and beating a drum; and it appeared that M'Phillips had not even volunteered those informations—that he had been compelled to come forward and say what he had witnessed. The man happened to see the procession go by; he gave his evidence in a most moderate and straightforward way, and there was nothing to warrant any suspicion as to his fairness and impartiality as a trier. That being the case, the verdict of the triers remained as it stood before, unaffected, as he said in his following letter, written in July. But in the meantime considerable delay had occurred, and the Summer Assizes were over. Care, however, was taken that no injury should arise from that fact, because all the minor cases were postponed to future Assizes, and in that case of homicide the prisoner, upon *certiorari* in the Court of Queen's Bench, was tried elsewhere and acquitted, as it turned out, though that had nothing to do with the matter. But the Summer Assizes being over, it came to be seen how the jury panel had been constituted by the same sub-Sheriff on that second occasion—namely, the Summer Assizes, and they found that, so far from being improved, the panel was then rather worse than it had been at the Spring Assizes. There were 200 names on the panel for the Summer Assizes, of whom 160 were Protestants and forty Roman Catholics. The fifty special jurors had been omitted. And there was also this remarkable circumstance, that the Sheriff had thought it his duty to leave out of the panel the names of the two jurors who tried the case on the former occasion. The Government came with great regret to the conclusion contained in his letter to the Sheriff of Monaghan. They made up their minds that as it was one of their first duties to protect the impartial administration of the law, and to secure general confidence in that impartiality, especially in a county constituted like Monaghan, the High Sheriff who had declined to change his sub-Sheriff must be superseded. He now came to the second act of the play—namely, the appointment of a successor. The legal part of the case he would not touch—he would leave that to his learned Friend the Solicitor General for Ireland. He would assume for the moment that the Government had legal power to take the name of a gentleman not found in the Judges' list as it then stood. They believed it their duty both to consider the public convenience and to make it certain that the sub-Sheriff, whom they had taken pains to remove, should not be re-appointed, as that would stultify all they had done. Therefore, to avoid entering into negotiations, as by good advice they were able to do, and also the danger of having to repeat the same process if one of the gentlemen on the list had chosen to appoint the same sub-Sheriff, they filled the office by selecting a gentleman, not, indeed, on the Judges' list, but, as was admitted on the other side, of high respectability, holding property in the county, though, perhaps, not a resident, and perfectly competent, he supposed, in the opinion of everyone, to discharge the duty. His hon. and gallant Friend opposite (Colonel Leslie) said that the new Sheriff had made an objectionable appointment of an under-Sheriff. Well, he believed it was true that, in the first instance, he appointed a gentleman who had better not have been appointed, as he was open to the suspicion of partiality. His (Mr. Chichester Fortescue's) attention had not been called to the matter until very recently; but the gentleman referred to was not now in office; and to the gentleman who was now in office his hon. and gallant Friend could not object, for Mr. Nicol was, he believed, a good Protestant, (though he did not know he was a good Orangeman). He was a highly respectable man who could not be objected to on any side. The charge against the Government was that at the end of the year they again passed over the names on the Judges' list, and reappointed Mr. Langdale. But there was no occasion to pass over any names, because the High Sheriff was not appointed for any particular time, but during Her Majesty's pleasure. The Government allowed Mr. Langdale to continue in his office, and that was the most reasonable course for them to take. It would be very difficult for a Government holding the views which they held to allow the late sub-Sheriff again to form a panel for this year, for though the case of homicide had been disposed of there were other cases of a party nature arising out of the riot still to be tried. But quite apart from that, and as a matter of fairness, to allow Mr. Langdale to continue in office this year was only in the natural course of things. Mr. Langdale had been appointed towards the end of 1869; he had never gone through an Assize, and it was only fair that he should be required to go through two Assizes in 1870 like other Sheriffs. That was what the Government had done, and by that, as a matter of policy and duty, and as an effectual means of securing the due administration of the law in such a society as that of the county of Monaghan, they were prepared to stand. But there remained behind a very important question, as to which, however, the Government had no doubt—namely, whether they had legal powers to take that course. The Mover and Seconder of the Resolution had tried to overwhelm them with detached quotations from Blackstone, Lyndhurst, and Brougham; but they were quite familiar with these quotations, and with a great many others, which put an entirely different aspect on the case, and he ventured to say, according to the highest legal authorities in Ireland, to whom they had access, that whatever might be the case in England, as to which he had nothing to say, in Ireland, at least, the appointment of the Sheriff of the Crown from the Judges' list did not depend upon statute, but solely upon practice, and a practice by no means uniformly observed. There was no English statute bearing on the subject, and the highest authorities, including Lord Plunket, denied that the English statutes of Edward II. and Edward III. applied to Ireland. For some time after the Restoration the Sheriffs were generally appointed as now; but from about 1770 to 1816 it was asserted that the Sheriffs in Ireland were appointed by the Crown. In the year 1816 Sir Robert Peel, then Chief Secretary for Ireland, restored the former practice; but restored it as a practice, and in his correspondence on the subject he never said one word about the illegality of the course of procedure which had prevailed for more than a generation before, and it would be strange if he had, seeing that in doing so he would have repudiated the legal authority of such men as Lord Chancellor Manners and Attorney General Saurin. But though Sir Robert Peel restored the usage, which, as a beneficial one, he was quite right in restoring, and though it had been generally adhered to since, yet upon several occasions it was for good reasons departed from by Lord Wellesley, the Duke of Northumberland, and Lord Normanby. A very curious case, bearing very much on this matter, arose in 1838 in this very county of Monaghan, and the coincidence was a strange one, as showing how events repeat themselves, and hereditary causes produce hereditary effects. In 1838 another Mr. Thomas Coote, he believed the father of the late High Sheriff—was appointed Sheriff, and having appointed as sub-Sheriff a notorious Orange partizan, with whom he (Mr. Chichester Fortescue) did not intend for a moment to compare the present sub-Sheriff, was removed by Lord Normanby, and was told by Mr. Drummond that he had shown by the first act of his shrievalty how little regard he had to the impartial administration of the law. A new Sheriff had to be appointed by Lord Normanby, and did his legal advisers think it necessary to confine themselves within the Judges' list? Not at all, and a gentleman not named upon it, Mr. Kenney, was appointed, and the Assizes came on. But at those Assizes there were prisoners to be tried who were fortunate enough to be defended by eminent counsel whose names had since been heard of, and they recommended an appeal to the Queen's Bench on the ground that the jury was not a proper jury, because empanelled by a nominated Sheriff. That appeal was signed by the names of Joseph Napier and James Whiteside. They went before the Queen's Bench, and put in a plea that the grand jury had not been summoned by the lawful High Sheriff. The Crown replied, to which there was a rejoinder, and to this rejoinder the Crown demurred. The case was tried by an eminent Judge—Judge Burton. The counsel for the prisoner declined to argue the point, and judgment was given against the plea and rejoinder by Judge Burton. But, though the case was not argued before the Queen's Bench, it was argued before a still higher tribunal—the House of Lords—by Lord Lyndhurst, supported by Lord Brougham, to whom were opposed the names of Plunket, Mulgrave, and Cottenham. Lord Mulgrave avowed that he had appointed a Sheriff outside the Judge's list in eighteen or twenty cases, on good grounds, and said that he wished, except under special circumstances, to abide by the practice of making the selection from the Judge's list. Lord Plunket, after referring to the facts and the law, maintained the propriety of what had been done, saying that, unless this were so not a single Sheriff in Ireland had been legally appointed since the Reformation, and that he was ready to share the whole responsibility of what had been done with the then Lord Lieutenant of Ireland; and Lord Cottenham, following, agreed with the views expressed by Lord Plunket. These being the facts of the case, and the law being as he had stated it, the Government, believing they had the power, thought it to be their duty, acting under the best legal advice, to take the course that had been followed on the present occasion. Further, he would say that, though it was far from their desire to depart, except under circumstances of the greatest gravity, which he trusted might never occur again, from the general usage, they would be ready at any future time to incur a similar responsibility, should it be necessary, in order to the due administration of the law in Ireland.

MR. MOORE said, he did not rise to give an opinion upon the difference between the Sheriff of Monaghan and the Executive which had dismissed him, but he could not forbear expressing an opinion which had been forced upon him by the discussion of the case, that if Captain Coote had done all the things of which he had been accused he had only followed the practice that had, in political cases, been habitually sanctioned by the Irish Executive. As one instance out of many that might be cited he would mention that though the county of Cork had a population of 500,000 Catholics against 50,000 Protestants, at the time of the Fenian trials in 1865, a jury panel was called, composed of 360 Protestants and forty Catholics. If Captain Coote acted unfairly he should like to know what would be said of the Crown prosecutors who, in the case to which he referred, insisted on bringing prisoners to trial before an unfairly constituted jury such as he had described. No doubt the learned Solicitor General for Ireland would say that the Crown prosecutors were the best of men, and it was equally free from doubt that, as lawyers and Crown prosecutors, they were so; but this only proved what he had said, that the practice of the Crown in the trial of criminal cases in Ireland was habitually unfair, and that between the course taken by the Sheriff of Monaghan and the Executive that superseded him there was not a pin to choose.

MR. BENTINCK said, it was not easy for an English Member to follow an intricate dispute as to the constitution of Irish jury panels; but he must say, having heard the very clear statements of his hon. Friends who moved and seconded the Resolution before the House, that he could hardly regard as satisfactory the explanation of his right hon. Friend the Chief Secretary for Ireland. The question was whether equal justice was done as between Protestants and Catholics under the present Government in Ireland; and his right hon. Friend, with the simple remark that the verdict of the triers was correct, had dismissed the question as affecting the Sheriff, altogether forgetting that Judge Morris, in his Charge, entirely approved the panel. What did the Government do with regard to the question? They said to the Sheriff—"Your sub-Sheriff has constituted an improper panel; you will not dismiss him, and we will supersede you." And having done this, the Irish Executive passed over the name of the next Protestant gentleman who was eligible for the office of Sheriff, and appointed a Roman Catholic; and the first thing he, in turn, did was to select as his sub-Sheriff a person who, as his right hon. Friend admitted, ought not to have been appointed to that position. When the term of office of the High Sheriff expired, instead of going back to the gentleman who had been so improperly passed over, the same Roman Catholic was re-appointed, on the ground that having only served part of a year it was but right that he should serve another year in addition. He asked the right hon. Gentleman at the head of the Government if this was showing equal justice to Protestants and Roman Catholics in Ireland? The other day it was said of the right hon. Gentleman at the head of the Government that if there was any one particular word emblazoned on his banner it was "equality;" and the right hon. Gentleman himself, ascending into one of his highest flights of eloquence, had compared himself with Janus and even with the lions in Trafalgar Square, adding that he had had an opportunity, in the course of his political career, of looking at politics in every aspect. This being so, he wished to know why the right hon. Gentleman did not act with more justice than had at present marked his conduct with reference to the members of different religious bodies in Ireland? The right hon. Gentleman the Prime Minister was a disciple of Sir Robert Peel; but he thought Sir Robert Peel would hardly approve the right hon. Gentleman's present course. There was at that day much talk of repealing the Union, and the Government dismissed all the magistrates who favoured repeal; and with equal justice they dismissed all the Orangemen also. Further, in 1850, the Earl of Clarendon, who was then at the head of the Irish Executive, dismissed the Earl of Roden from the lord-lieutenancy of the county Down, not for any political act, but in consequence of what the Government of the day regarded as nothing in the world more than an error of judgment, in receiving and addressing a procession of Orangemen, which was then perfectly legal. The Earl of Clarendon, when called upon for a defence of his conduct, said—

> "It was the duty of Her Majesty's Government to inspire all classes with confidence in the impartial administration of the law; to convince them that before the law all were equal, and that whether high or low, rich or poor, the same measure of justice should be meted out to all."

Having these words in his mind he (Mr. Bentinck) called upon Her Majesty's Government to state the course they meant to pursue. He called upon the right hon. Gentleman at the head of the Government in his capacity of modern Janus to show equal justice to all, and not to be—as he once said the right hon. Gentleman the Member for Buckinghamshire was—"a double-faced deity, who wished to smile on his friends and frown upon his enemies." What was to be the result of this business? It appeared, from what the right hon. Gentleman (Mr. Chichester Fortescue) had stated, that the real culprit in the case, if there was a culprit at all, was the Lord Chancellor of Ireland, who had been the cause of the names of gentlemen being passed over. It was the duty and business of the Lord Chancellor to assist the Judges who were charged with the selection of the Sheriff; and it was his duty to advise the Government not to pass over those Protestant gentlemen in order to appoint a Roman Catholic. From what he (Mr. Bentinck) knew of the Irish Bar, he was satisfied that if either of the able and acute lawyers at the head of the Courts of Common Pleas and Exchequer—Chief Justice Monahan or Chief Baron Pigott—had been in this position of responsibility, the same disastrous result would not have happened. But the right hon. Gentleman, for a political purpose, had gone out of his way to appoint, over the heads of those distinguished Judges, one who had previously been but a Puisne Judge; the reason being that he was known to be a partizan of a small but active section of the Roman Catholic party, which entertained ideas differing very widely from those held by the majority of persons belonging to the same religion. Had a man of greater weight been chosen to fill the office of Lord Chancellor, he believed that the Protestants of Ireland would not have the same good reason which they now possessed to bring a charge of inequality of treatment against the present Government.

MR. GATHORNE HARDY said, he hoped that in taking part in this discussion he should confine himself to language which would be in harmony with the feelings and opinions, not only of those who sat upon his own side of the House, but of those who sat opposite. He rose simply to advocate what was just and right; and with respect to what had arisen, as narrated by the Chief Secretary for Ireland, he was bound to say that, looking at it either from the point of view of the right hon. Gentleman himself or of his noble Friend (Viscount Crichton), it left upon the mind a painful impression. Great distrust of the law obviously existed upon one side and on the other, and it was no doubt highly difficult for the Government to keep straight between the two parties. But the question really was whether in proceedings so strong and unusual as had been adopted in this case there had not been something very like a triumph given to one side, and a depressing influence, not called for by the circumstances, exercised upon the other. The returning officer, whose name had appeared in the course of these proceedings, had stated that he was in the habit of taking Roman Catholics and Protestants alternately, and that he had suggested to Mr. Mitchell to adopt that course last year. Mr. Mitchell very properly refused to listen to the recommendation, because nothing could be more calculated to impede the due course of justice. Looking to the panel for the county of Monaghan he found upon it the names of 1,215 persons; and in matters of this kind it was necessary to look, not so much to mere population as to those who were entitled by rating to serve as jurymen for the county. Of those who were so entitled to be upon the panel 792 were Protestants and 423 Roman Catholics; that was to say, speaking in round numbers, the Roman Catholics formed one-half the Protestants. When the panel was called over, upon the occasion of the trial, seventy-two jurors answered to their names; of these, forty-eight were Protestants and twenty-four Roman Catholics — the proportion of Roman Catholics corresponding in the main to the number of those upon the general panel of the county. In itself, therefore, there was nothing unfair in the proportion; and, in addition, it must be remembered that the two first who answered to their names, and were sworn as triers, were both Roman Catholics. He held in his hand a Return of the constitution of the different jury panels from 1857 to 1869, and it appeared that the highest number of Roman Catholics put on was sixty-six and the lowest number forty. The highest number had been put on in 1866 by the same sub-Sheriff, Mr. Mitchell, whose conduct was impeached in the late transaction; and in 1864, when Mr. Rogers was sub-Sheriff, and the alternate principle of selection recommended by Mr. Reilly was adopted, the panel only contained the names of fifty Roman Catholics. Forty-nine was the number placed upon the panel by Captain Coote; and this he (Mr. Gathorne Hardy) found, from the statement of the facts as they came before the Judge, was certainly at least equal to, if it did not exceed, the average number of Roman Catholics called on to serve for many years past. The only ground he had been able to find in the Papers for the imputation upon Mr. Mitchell was, that a sufficient number of Roman Catholics had not been put on from the barony of Farney; but whether this was owing, as had been already suggested, to the fact that the barony lay at a considerable distance, and that jurors accordingly were unwilling to serve, or from some other cause, the fact remained that the number of Roman Catholic jurors from that barony upon the occasion in question was fully equal to the average number who were returned. Therefore, so far, *primâ facie* there was no case against Mr. Mitchell. But the panel was challenged, the two first persons were chosen as triers; and, though he made no imputation upon them, it was impossible, remembering all that his right hon. Friend opposite had stated, to put out of sight the fact that both the persons chosen to try whether a sufficient number of Roman Catholics had been placed upon the panel were themselves Roman Catholics. Another point which would naturally occur to the mind of any Protestant in Monaghan, thinking over all the circumstances, would be that one of these very triers—in the fairest possible way doubtless, but still, as a matter of fact—had laid an information against the deceased man Clarke. And further, when the trial of M'Kenna took place in another county, it was a circumstance worth noting that the other trier sat by M'Kenna throughout the proceedings, and showed that he was deeply interested in the trial. Was it surprising, therefore, that Captain Coote, when called upon to dismiss his under-Sheriff, against whom, during nine years, no complaint had been made, and whose character must have been destroyed had effect been given in such a manner to the verdict of the triers, replied—

> "I have known Mr. Mitchell for many years; he has served before without reproach, and I will not, therefore, take upon myself to dismiss him; at least, without application being made, in the first instance, to the Judge who tried the case. Let the opinion of the Judge be ascertained; let it be known whether he, accustomed to weigh such matters, is satisfied with the verdict of the triers before I am called upon to send Mr. Mitchell into the world stained with the imputation of having falsely and fraudulently got together this jury."

In this appeal to the Judge who tried the case Captain Coote was certainly acting in conformity with invariable practice. His right hon. Friend opposite the Secretary of State for the Home Department, where a case was referred to him affecting the life or character of any human being, would no more think of taking action upon the matter without referring it to the Judge who had tried the case and obtaining the Judge's opinion upon it than he would think of trying the case himself originally. Upon this point he appealed, not to passion or to party feeling — he appealed to those who were acquainted with the mode in which business was ordinarily conducted in this country. His right hon. Friend opposite (Sir George Grey) had long filled the office of Secretary of State for the Home Department, and he felt certain that if such a case had come before him he would never have dreamt of acting to the prejudice of any person, in the same manner that Captain Coote had been dealt with, until he had first referred the matter to the Judge, who knew all the circumstances of the case. With regard, therefore, to Captain Coote, an unjust and harsh proceeding had been adopted. He did not deny the power of the Government to act as they had done; he did not impugn their authority; but he ventured to think that such an exercise of power could not be defended. He impugned the step which had been taken, because the evidence relied on in support of it was not satisfactory, and, further, because the Government had not thought proper to appeal to the Judge by whom the case was tried. That Judge — if he might throw in such a consideration — was himself a Roman Catholic; but he was a gentleman upon whose perfect honour, integrity, and desire to do justice to all parties the Government might have relied with confidence. He came next not merely to the removal of Captain Coote, but to the appointment of his successor. The Secretary to the Lord Lieutenant had admitted that as a matter of course, in the ordinary discharge of his duties, the name next upon the list recommended by the Judges would have been selected. When Captain Coote was removed, two names remained upon the list; and he was not aware that any imputation had been cast upon the fitness of either of those gentlemen. On the contrary, it was admitted that they were gentlemen well qualified to fill the office of High Sheriff. But what did the right hon. Gentleman say? In consequence of an apprehension which he entertained that they might re-appoint Mr. Mitchell as sub-Sheriff, without making a single application to either of those gentlemen, without calling their attention to the circumstances, without asking whether they entertained either willingness or unwillingness to act, and without ever asking whether, if chosen, they meant to appoint Mr. Mitchell, the Chief Secretary took a gentleman who was non-resident in the county, a gentleman who was of a different religion from the two who were upon the Sheriff's list, and without a word to those gentlemen appointed the Sheriff he himself had selected over their heads. In some great emergency he could understand a course like this being adopted by a constitutional Government, such as he hoped the present Government aspired to be. Precedents might undoubtedly be found for it in the days of James II., or in the acts of Lord

Mulgrave, to which reference had been made. But the acts of Lord Mulgrave did not pass without severe comment and reprehension—reprehension not conveyed in the language of partizans, but in what might almost be called a judicial survey by Lord Lyndhurst, who came to the conclusion that acts such as those were contrary both to law and to the Constitution of the country. This, indeed, had been practically admitted by the right hon. Gentleman opposite. At a moment, when the Government were desirous of giving a great example of equity and of acting in strict accordance with law, it was certainly unfortunate that they should furnish to the Irish people, and to Irish Protestants especially, such materials for reflection and comment as this case afforded. Captain Coote was dismissed from the office of Sheriff because his sub-Sheriff was suspected of partiality in putting too few Roman Catholics upon the panel. The Government redressed the balance by calling in a gentleman from a distance to serve as Sheriff. And whom did this gentleman, the new Roman Catholic Sheriff, select as his sub-Sheriff? Why, the very man who had acted as treasurer in collecting the money for the defence of M'Kenna. Was the conduct of Mr. Mitchell impugned because he had done that which had been done since 1857, and was another Sheriff to appoint a man who would have to impanel a jury if M'Kenna had been again tried in that county, the sub-Sheriff being the man who had been treasurer of the sum for his defence? He thought when they were endeavouring to take away from the Irish the idea that justice was not impartially administered, they must take great care not to expose themselves to imputations these parties made upon one another. If the Secretary to the Lord Lieutenant had taken one of those gentlemen named on the list, or said he thought that a new sub-Sheriff ought to be appointed, he might have saved a great deal of ill-feeling on the subject. He might fairly have said that—he might fairly have asked whether the gentleman appointed would have undertaken to do it. Had he done so, he would have taken the ordinary constitutional course. He did not think anything would have happened with the panel which would have interfered with this action on his part. He was quite certain that the course taken by the Government in this case had not been judicial, though they might desire it to be so. It had made an impression in Ireland that if Protestant ascendancy was to be put down, it was to be put down by Roman Catholic ascendancy. That was an injudicious and unfortunate thing; and he hoped what had happened, or might happen, to-night would tell the Government in tones not to be mistaken, that the English people, in their desire to see equality among all classes in Ireland, would not give assistance to any invasion of the Constitution in order to obtain it.

THE SOLICITOR GENERAL FOR IRELAND (MR. DOWSE) said, he must beg to recall the attention of the House to the question as put from the Chair—whether the conduct of the Government in the dismissal of Captain Coote and the re-appointment of his successor had been unconstitutional, and calculated to impede the due performance of public duty. The first and most important question to consider was, whether what had occurred in the appointment of Mr. Langdale in consequence of the dismissal of Captain Coote was constitutional or not. It was always unpleasant to argue in that House what, after all, was a dry question of law; but he ventured to assert that it could be shown by reference to the statutes and cases that the conduct of the Government in this instance was strictly within the limits of the Constitution, and in no way a departure from the law of the land. He was very much struck with the ability of the noble Lord who had introduced the subject (Viscount Crichton), from the manner in which he referred, although he was not a lawyer by profession, to the authorities which seemed to justify his opinion. He (Mr. Dowse) thought, however, that a short examination of the leading cases would satisfy the House that the Government had acted wisely, so far as the question of law was concerned, in following the advice of their legal Advisers, and justly, so far as discretion was concerned, founded upon the opinion given them on the point of law. He took his stand on this position, which he held to be settled and indisputable—that the Crown had power to nominate a person to be Sheriff of a county in Ireland, although not returned on the Judges' list, and that such person was legally and constitutionally the Sheriff. This was plain whether they referred to the origin of the office of Sheriff, the statutes that regulated it, or the nature of the duties which the Sheriff was called upon to perform. The office of Sheriff was contained in the earldom which undoubtedly lay in the gift of the Crown; and when the office was separated from that of earl the right of appointing the Sheriff, as of conferring the dignity of earl, remained in the Crown. The Crown had even the power of giving away this right. The Corporation of the City of London had the privilege by charter, which was given by Henry I. for a consideration to the county of Middlesex. Unless this power was taken away by statute, it was inherent in the Crown. Had it, then, been taken away by statute? The statutes mentioned by the noble Viscount were the 9th Edward II. and the 14th Edward III.; but these statutes did not abridge the power of the Crown to appoint a Sheriff. This fact had been recognized by our greatest writers, including Bacon. Mr. Chitty, on *Blackstone*, was clearly of opinion that the statutes referred to, while they took away from the people the right of choosing a Sheriff, did not affect the Crown's right, privilege, and prerogative to appoint Sheriffs. Lord Tenterden gave a similar opinion. Reference had been made to the reign of the Stuarts. He did not know that that was a very good time to search for precedents, but a precedent was not necessarily bad because it came from a bad time. What was the English statute on the subject? It declared that upon the morrow of All Souls', the Chancellor—that was, the Chancellor of the Exchequer—Treasurer, President of the Council, and Chief Baron were to meet in the Exchequer, that they should sit in open court, and discharge their duty in an open, legal, and constitutional manner. There was a great dispute in the other House in 1838, whether the statute applied to Ireland. Lord Plunket maintained that it did not, and that if it did there had never been a legal Sheriff appointed in Ireland from the days of Henry VII., to the present time, for the Judges never sat in open court. He (Mr. Dowse) would go further and say that if the English Acts were binding and creative, there never was a legally appointed Sheriff in Ireland; because, before Poyning's Act, the English law did not apply. But even if the statute did apply to Ireland he contended that its terms were merely affirmative and not negative, and that it did not take away the power of the Crown to appoint a Sheriff. The very case in question had been decided, as referred to by his right hon. Friend, and the position of the Government on that point was impregnable. In Monaghan, in 1838, a bill of indictment was found against a man named Heenan, and counsel pleaded that Thomas Coote (father or grandfather of Captain Coote) was the Sheriff, and that one Kenney summoned the jury. The replication of the Crown was that Kenney was Sheriff—Kenney had been appointed by the Crown direct. The case came on for argument before the Chief Justice, and what was the judgment? It was that the prisoner was to plead because the jury had been properly impanelled. And in other cases similar decisions were arrived at. He trusted he had shown that the duty imposed upon the Crown in the present instance had been performed in a constitutional manner. The question, however, still remained whether Captain Coote ought to have been deprived of his office. How did the case stand upon this point? The Sheriff was appointed during Her Majesty's pleasure, and Captain Coote had been removed from his office by the appointment of another person to it. Nothing was more important than that justice should be impartially administered in Ireland, and the present Chief Secretary, beyond all others, desired to secure the impartial administration of the law. In this particular case it happened that although the population of the county of Monaghan consisted of 90,000 Roman Catholics, and 30,000 Protestants, the jury book contained the names of 800 Protestants as against 400 Roman Catholics. He was willing to concede that the Roman Catholic population was generally of the lower order, and therefore the relative proportion of Roman Catholics and Protestants would not show itself exactly on the jury book. But neither did the proportions of the jury book appear in the jury panel, which only contained one-fifth or one-sixth of Roman Catholics. A person of a credulous turn of mind might believe that that was an accident, but it was extraordinary how frequent these accidents were, for on another occasion, out of a panel of 110 jurors only ten were Roman Catholics, and their names, by another unaccountable accident, had got to the very bottom of the list. There was not the excuse that they had been placed alphabetically, for two of them began with the letter A. Now if ever there was a time when it was necessary that there should be a just panel it was on the occasion in question. Two men, one a Protestant and the other a Roman Catholic, were to be tried for their lives. Others were to be tried for taking part in one of those religious—he should rather say irreligious—brawls that were a disgrace alike to Irish Roman Catholics and Irish Protestants. And the result of the conduct of Captain Coote and his sub-Sheriff was, that these men had not yet been tried, and were now awaiting their trial at the Assizes. The excuse put forward for not summoning the quota of jurors from the barony of Farney was, that they resided at too great a distance from the county town; but as the distance was not more than fifteen or sixteen Irish miles, with a railway running within four or five miles of the place, and cars plying the intermediate distance, the jurors might have been conveyed from their houses to Monaghan within three or four hours. When M'Kenna's case came on to be tried the prisoner challenged the array. The learned Judge appointed two triers to try the panel, and they found that it was unfairly and improperly constituted, and for a purpose, and the sub-Sheriff afterwards went the length of leaving the two triers off the panel because, he (Mr. Dowse) presumed, that functionary did not consider them proper jurymen to try prisoners. The panel was quashed and no more trials were allowed under it. M'Kenna applied to be tried at Louth, and was acquitted. The Executive took no further steps upon that occasion, and it was not until the next Assizes, when it was found that the person who was responsible for making out the panel was utterly incorrigible, that the Government called upon Captain Coote to remove him, and on Captain Coote refusing to do so, the Government was compelled to remove Captain Coote himself. He submitted that the Executive had only done in this matter what they were bound to do, and he trusted they would be acquitted by the high court of justice before whom they were now upon their trial of having committed any improper act in reference to this matter. The panel was worse than before; there was no time to get a *certiorari*. The Government had to say to the prisoners—"We will not try you until March, 1870." The Government, he contended, was not justified in again running the risk in March, 1870, they had had to encounter by the accidents of this sub-Sheriff whom Captain Coote had declined to remove. The right hon. Gentleman the Member for Oxford University (Mr. Gathorne Hardy) appeared to think the Government should have entered into a kind of bargain, and have informed one of the other gentlemen on the list that they would appoint him if he would not appoint such a person as sub-Sheriff. He, however, contended that it was the duty of the Executive to exercise its own discretion, and to appoint a gentleman of position and respectability who was not likely to appoint Mr. Mitchell sub-Sheriff. It was said that Mr. Langdale had appointed as sub-Sheriff the former treasurer of M'Kenna's fund. Mr. Langdale would have been quite incapable of appointing such a person had he been aware that he had acted in that capacity; and as soon as he was aware of the circumstance he removed him and appointed a strong Protestant, the master of an Orange Lodge, in his place. The right hon. Member for Oxford University, in his fair and candid speech, had said he believed the Government were anxious to do their duty. He (Mr. Dowse) said that they had done their duty, and they would have been liable to blame had they not acted as they did. They were not to be kept from doing their duty by irrelevant remarks or references such as those of the hon. Member for Whitehaven (Mr. Bentinck) to cases not before the House. The case of Captain Madden would be met when it came on; one case was enough at a time. The hon. Member for Mayo (Mr. Moore) intervened in the debate, on the part of the Fenians, and for some reason or other his Friends cheered him. Fortunately the Attorney General for Ireland, who was engaged as Solicitor General in the prosecution of the Fenian prisoners, happened to be in the neighbourhood of the House at the time when the hon. Member for Mayo was speaking, and he had sent a note to the Treasury Bench, in which he authorized him to state that on the occasion referred to the panel was challenged and the triers found on their oaths that the panel was fair and honest. The charge made against the panel of the county of Cork, as far as it was an unfair panel, was disposed of by the constitutional method in the same way as the panel in this case had been. In conclusion, he had refrained from going more minutely into the legal question, as it was unnecessary and would only weary the House. He left the matter in the firm belief that the Motion was totally unsustainable, and that the House would say that the Government deserved not censure but thanks for what they had done in this matter.

DR. BALL said, he was not prepared to deny the prerogative of the Crown to appoint a Sheriff, nor was he prepared to deny that the Crown had power to select a Sheriff in Ireland or England, from outside the Judges' list. Indeed, examples were to be found in Irish history—in the course of the Governments of the Duke of Northumberland and of Lord Normanby—of this having been done; and an implied sanction was given to the step, by the fact that there was no express condemnation of it by Parliament. He was not prepared to deny the view of the Solicitor General that the statutes were affirmative; but, notwithstanding this, it was a very serious matter to exercise a prerogative which so great an authority as Blackstone had pronounced to be totally unconstitutional. Blackstone expressly said—

> "It is true, the reporter adds, that it was held that the Queen by her prerogative might make a Sheriff without the election of the Judges, *non obstante aliquo statuto in contrarium;* but the doctrine of *non obstante's*, which sets the prerogative above the laws, was effectually demolished by the Bill of Rights at the Revolution, and abdicated Westminster Hall when King James abdicated the kingdom. However, it must be acknowledged that the practice of occasionally naming what are called pocket Sheriffs, by the sole authority of the Crown, have uniformly continued to the reign of His present Majesty, in which, I believe, few (if any) compulsory instances have occurred."—[*Blackstone* 1, ix.]

But although it was true the Crown had power to make Sheriffs outside the names returned by the Judges, that power had not been exercised in England for a very long time; he was not aware that it had been exercised in England since the Revolution. Unquestionably it was exercised by Charles I. and James II., and not improbably the reason it had of late not been exercised in England, was because of the opinion of so great a constitutional authority as Blackstone against it. If, then, it had not been exercised in England for a long time, and some constitutional feeling existed against it, was it not all-important that there should be as great an unwillingness to exercise this high prerogative in Ireland as had existed in the case of England? Indeed, it was more necessary to refrain from exercising this prerogative in Ireland because of the political character of the representatives of the Government. The Lord Lieutenant, although he was the representative of the Sovereign, was not the actual Sovereign, but the member of a political party, and appointed by that party. The Chief Secretary for Ireland was generally a Cabinet Minister, and avowedly engaged in political conflicts, and of late years the Irish Law Officers had generally been Members of that House, and taken an active part in political discussions. Admitting the high position of the Lord Lieutenant, and the weight which should be attached to any act of his, or of the Chief Secretary, the question was, whether it was not the safer course, and a course calculated to create greater confidence in the administration of justice, that persons inevitably associated with political parties should not interfere in matters connected with the machinery for the administration of justice. He held that Members of the Government should as carefully refrain from nominating the Sheriffs as from nominating the jurors; and the extreme importance of the point was manifest when it was considered that the Sheriff selected the panel. The charge against Captain Coote, too, showed how important it was that the Sheriffs should derive existence from a quarter where no political influence prevailed. He had himself twice acted as a Judge sent by Lord Kimberley, and on one occasion he had the returning of Sheriffs for Wexford, Waterford, Kilkenny, and the county of Tipperary. Believing it was the duty of the Judge to exercise discrimination in the names he returned, he refrained from complying with a request to nominate a young man just arrived at his majority in one case, on the ground of the disturbed state of the country, and returned the name of an older and more experienced gentleman. Now, if the Judges exercised discretion in returning names was it not a strong measure for a Government to take to exercise an arbitrary prerogative in the teeth of a return by the Irish Judges? Therefore, setting aside the fact that rare and exceptional occasions may arise to justify the exercise of the prerogative, he contended that the greatest reluctance should be felt to exercise that discretion except on the most sound and certain grounds. He was of opinion that the Chief Secretary was perfectly right in taking action in the matter when he found the triers had returned against the Sheriff that he had impanelled improperly; but he questioned the propriety of his mode of action. Here again it was impossible to omit the fact that the Executive in Ireland was political, that the Law Officers were political, and that the Chief Secretary himself was a political character; and he objected to their constituting themselves judges in an inquiry affecting the conduct of a person engaged in the machinery for administering justice. When his right hon. Friend (the Chief Secretary for Ireland) found the sub-Sheriff had acted improperly, it was his duty to write to the Judge who presided at the trial, to know the particulare of the case. It was by no means a matter of course that the triers should be right; to decide as to what constituted an improper panel was not so simple a matter. The mode in which a Judge selected the triers was to take any person who might happen to be in the court. By accident, the Judge at Monaghan took the very first two names on the impeached jury for triers. The Judge might accidentally select two persons who would not discharge the duty of triers, he would not say with honesty, but with intelligence—because the juror who discharged the duty of trying the character of a panel should be characterized not only by honesty of purpose, but by a certain amount of education, so as to be able to distinguish between a popular and a *boná fide* objection. Suppose, for instance, that there were not a sufficient number of jurors who belonged to a particular rank in society, and that the panel was formed exclusively, or nearly so, of the gentry, why should anyone proceed to act upon the finding of triers who, taken from a lower class, came to a decision on grounds incapable of being upheld on legal grounds that the panel was not a proper one? He had himself seen such a thing as the two triers finding against the Judge's charge, and there was no immediate remedy. In the present case, however, the point was, whether the sub-Sheriff should have been condemned before the following plain and simple question was put to the Judge:—"Do you approve the conclusion to which the triers came?" If this question had been put to the learned Judge, and answered in the affirmative, the Government would, in his opinion, have been perfectly justified in taking the course they did. They would then have had a judicial sanction of their decision, and he, for one, would not object to the Government having acted firmly and decisively, and to the utmost of their power, if they had previously obtained the opinion of the Judge, that the decision against the sub-Sheriff was founded on good legal and constitutional grounds. Now, in the present case, the right hon. Gentleman did not even pretend that he had ever communicated with the Judge. It had been already stated—though he might remark in passing that he disliked the introduction of religion into discussions of this nature—that in this case the Judge was a Roman Catholic, and that he was perfectly competent, in consequence, to say whether there were a proper number of Roman Catholics on the panel. That was all the more reason why his opinion should have been taken. He believed, however, that the Judge's opinion, in a legal point of view, was diametrically opposed to that which had been expressed in that House by his right hon. Friend the Chief Secretary of Ireland—namely, that at the commencement there ought to be established an abstract inquiry as to the religion of the juries. In order to show how fallacious such an idea was, he would remind the House that every juror must, by law, possess certain qualifications. Now, there existed in Ireland some baronies belonging to great absentee proprietors, and in which there was not a resident above the rank of a humble farmer. It might be that Roman Catholics in such a barony were omitted from the list, because they were not competent to act as jurors. Could anyone for a moment maintain that trials ought to be upset because the Sheriff, not finding a sufficient number of qualified men in the barony, selected jurors from another barony? Another thing to be borne in mind was that, as the law at present stood, no publican, grocer, or person existing by mere dependence upon the public, could act upon juries. Both these causes tended considerably to reduce the number of those who were qualified to act upon juries. Matters instead of being improved would be very much complicated if they were to introduce a law that there should be on the panel a Roman Catholic and a Protestant alternately. The learned Judge, in his Charge, adverted to the doctrine, and said he was not prepared to acquiesce in it any more than he was prepared to acquiesce in the doctrine that the jury should be composed of men with light and dark hair alternately. This was a very dangerous doctrine to assert, for if it were admitted every man condemned for a particular offence would say—"There are only so many Roman Catholics upon the panel; but, according to the population of the district there ought to be more." There could, of course, be no doubt that the panel would be an improper one if it contained the names of Protestants only, or of an unduly small proportion of Roman Catholics, supposing this to have been done with the design of putting into the box partizans of the prisoner; but it was not legally true that a valid objection could be raised against a panel on the ground *per se* that there were not upon it persons of different religions. In this respect there was no distinction between the law of England and that of Ireland, and what would be said if a jury panel were objected to in this country because it was composed wholly of members of the Church of England and had no Dissenters upon it? Such a circumstance would not be illegal unless it had been brought about with a wrong and improper motive. In the particular case under discussion the opinion of the Roman Catholic Judge, as to whether the panel was improper or not, ought to have been laid before the House, which, however, had received no information on this vital point. If the learned Judge gave his opinion that the panel was improperly framed, he, for one, should at once bow to the decision and declare that the conduct of the Government was right. If, on the other hand, the Judge had given a contrary opinion, he should condemn the Government. The House had no means of aiming at a satisfactory conclusion on the matter before the Judge's opinion was stated to them. Until then the House could only come to a decision on the subject in a lame and impotent manner. This was a matter of great importance, because the first thing requisite in Ireland would be to maintain the Executive in the public esteem, and anything which tended to throw a slur upon a Judge, as, for instance, the not taking his opinion into account was calculated to lower his influence. He (Dr. Ball) might say from his own experience that it had been the habit to consult the Judges on such cases, and he therefore blamed the Executive for not having done so now. The second point which called for some comment was, that when the Government had determined to get rid of the Sheriff they superseded, without consulting any Judge, the names that were returned to them. Such a circumstance showed that this exercise of the prerogative was a very delicate and difficult thing. The Government selected a Sheriff of their own absolute and arbitrary choice without seeking the assistance of any independent person. Now, it was most desirable that every appointment in Ireland connected with the administration of justice should, as far as possible, come through a disinterested channel—a channel removed from politics and from all personal influence; and that constitutional channel was the Judges. But here, again, the Judges were passed over, and the Executive chose to act entirely on their own authority. How much more satisfactory would the right hon. Gentleman's position be if he could cite the opinion of Judge Morris to the effect that circumstances imperatively called for the action of the Chief Secretary. This House and the people of Ireland would, he felt assured, have been better satisfied if the Government had produced an authoritative communication from an independent Judge.

MR. NEWDEGATE said, he was much struck by the anxiety of the Government to induce the House to overlook the words of the Motion—

> "That, in the opinion of this House, the conduct of the Government in the dismissal of Captain Coote from the Shrievalty of the county of Monaghan, and the appointment of his successor has been unconstitutional, and calculated to impede the due performance of public duty."

The Solicitor General for Ireland, having regard to other cases which would shortly come before them, had tried to impress upon the House that each of these cases was to be looked at separately. If the House adopted such a course, however, it would not be very likely to form a just appreciation of the public policy involved in this question. The only apology for the action of the Government in this instance was, that they acted with a view to public policy in the prevention of the undue exercise of religious and party feeling on the administration of justice. There was no question that the exercise of the prerogative in the supersession of a Sheriff was in some cases justifiable, and that it was not of necessity unconstitutional. But what was necessary to justify a supersession of the ordinary practice? It was that the act should be done distinctly for the purpose and with the result of securing the safety of the subject and the preservation of the State. Her Majesty's Government had not been eminently successful in their prosecutions in Ireland. He doubted whether in a similar period while any other Government had been in Office there had been such a marked failure in the administration of justice in Ireland. But the Government in this case had superseded one appointment by an interruption of the constitutional practice, for the purpose of making another appointment which was practically no better than the one they superseded. Therefore they could not plead, in justification of their unconstitutional practice, any success in the constitutional object of securing the due administration of justice. The House was bound to take notice of all these cases, because there was a general impression abroad that the present Government did not intend to mete out even justice to the Protestants of Ireland.

Mr. M'CARTHY DOWNING said, that the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) had not put the case correctly. The issue put to the triers was not whether there was a larger number of Protestants than of Catholics on the panel, or what was the proportion, but whether the jury panel had been tampered with and so constituted as to prejudice the prisoner; and that had been decided in the affirmative. It had been remarked that the two men first called on the panel were Roman Catholics; but it was evident, from this comment, that the facts were not known. On the day in question there were two courts sitting for the trial of criminals. In one of them, over which Judge Lawson presided, a number of Roman Catholics were to be tried, and that court was filled by Orangemen, who were anxious to be put on the panel for the purpose of convicting the Catholics. In one court there were Catholics to be tried for the alleged murder of a Protestant, and in the other there were Protestants to be tried for the alleged murder of a Roman Catholic. A great deal had been said of the Judge in the case. He was a Roman Catholic; but it must be borne in mind that he had been promoted to his office by the Conservative party, not because he was a Roman Catholic, not to satisfy the people of Ireland that a fair and just proportion of Catholics would be raised to the Bench, but because he was notoriously a Tory Catholic and a Conservative. He must not be understood as wishing to disparage the merits of Justice Morris as a Judge; but he intended to call attention to the fact that in charging the jury he made certain points more prominent than he would have done had he been a Protestant. If he (Mr. M'Carthy Downing) was to be tried to-morrow on any charge in Ireland, he would elect to be tried by a Protestant Judge, because the Protestant Judges had always been as discriminating as any Catholic on the Bench. He thought the decision adopted by the Government in dismissing Captain Coote would have the best effect, and that if they pursued a like course in all similar cases they would succeed in establishing a confidence in the administration of justice.

Colonel STUART KNOX supported the Motion, remarking that while on his side the House the constitutional question had been again and again asked, it had been by the other side again and again burked. The hon. and learned Gentleman the Solicitor General for Ireland in especial had carefully avoided answering it—for he knew that if he had done so, his answer must have been in favour of Captain Coote and of justice.

Mr. CALLAN said, it was not correct to say that the means of communication with Monaghan were imperfect, for he was a director of the railway, and he knew that the facilities for intercourse were better than existed in any other part of the country; and he might mention that although the barony of Farney contained 221 Roman Catholics eligible as jurors, and there was railway communication with Monaghan, only two were summoned.

After some observations from Mr. WHALLEY and Mr. CONOLLY,

VISCOUNT CRICHTON, in reply, said, that he regarded the answer he had received from the Government as altogether unsatisfactory, and therefore felt bound to divide, and should take another opportunity of bringing the subject again before the House.

Question put.

The House *divided*:—Ayes 113; Noes 193: Majority 80.

ELEMENTARY EDUCATION BILL.

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

[BILL 33.] SECOND READING

[FIRST NIGHT.]

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. E. Forster.*)

MR. DIXON, in moving the Amendment of which he had given Notice, said, he moved the Amendment with feelings of deep regret—regret that there should be occasion for an Amendment, which he admitted to be one of great importance—regret, because he was sorry even to appear to be in opposition to this Government measure, to which he had looked forward so long with hope—and further, with regret, because he would be prevented, in consequence of the necessity for confining himself mainly to the subject of his Amendment to omit noticing a considerable number of points in the Bill which to him were of the greatest interest. He should have wished to point out that if it had been possible it would have been a great improvement if the Bill had contained some provision for the formation of a separate Department of Education, and also for increasing the number of training colleges in the country, where the masters would have been trained who would be wanted for the numerous schools that would have to be provided. He could have wished also to point out a reason why it would have been well not to give a year's grace to denominational schools, why school Boards should be appointed everywhere, that those Boards should be appointed not by Vestries, but by the occupiers in school districts voting by ballot, and why, considering how heavy existing rates are, we should have thrown one half of the cost of school Boards on the Consolidated Fund; why compulsory attendance should have been made immediate and universal, and why admission to all elementary schools ought to be free. But upon all these interesting points he must omit to dwell, in order that he might occupy the House in justifying his Amendment. In doing so, it would be necessary that he should review the whole of what was called the religious difficulty. The Amendment that he had moved did not in words refer to more than one portion of it. It stated that it was inadvisable that this religious difficulty should be relegated to the school Boards; but it did not make any reference to the manner in which the religious difficulty ought to be settled by the House. But he could not treat one portion of the subject adequately without referring to the other, and therefore he proposed to state his views on the whole subject. He called the attention of the House to the enormous change that would be brought about by this Bill in the relations of the State to education, and through education to religion. In a few years, under the operation of this Bill, we should have school Boards in almost every district of the country. He believed that the Vice President of the Council admitted that this would be the case; and it was natural that it should be so, because in those districts where the Bill did not provide for the immediate formation of these Boards, the present school managers, feeling that if the Boards were to be formed they would have preponderating influence on those Boards, they would be anxious that they should be formed, in order to throw on them the burden of maintaining the schools. Besides this, attendance would become compulsory throughout the country, and the basis of our school system would have been removed. It would no longer rest on voluntaryism, it would rest on the national purse, and instead of hundreds of thousands of pounds being voted by Parliament, we should find that millions would have to be voted out of the rates and taxes for the education of the country. These were great and important changes, and they affected this religious question to a great degree. Some thought that the religious question was scarcely felt to be a religious difficulty, that the religious difficulty scarcely existed. But that was not the case. It was true that we only voted £500,000 per annum for our schools. But, notwithstanding that, he would quote from a speech of Dr. Rigg, only a few days ago, to show that even now this difficulty was felt, and felt to a considerable extent. [The hon. Member quoted accordingly.] Now, if this religious difficulty existed, although the connection between the State and education was so slight, what might we expect to be the state of the case when there were school rates levied all over the country for the purpose of assisting education, when compulsory attendance would be also general, and when the Dissenter was called on to pay for, and send his child to a Church of England school, when the Protestant was called on to pay for and send his child to a Roman Catholic school, or a Roman Catholic to a Protestant school? This religious difficulty, under these circumstances, will assume much greater proportions. How did the Bill propose to meet it? It was said that where there was no school Board formed, the present religious teaching was to be continued, when the Boards were formed the character of the teaching was to be decided by those school Boards, and that in all cases where an objection was taken to this religious teaching a Conscience Clause was to come into operation as a protection to the religious conscience of the parent. He believed that the meaning of this was that in towns there would be in most cases, if not in all, contests for seats at the Town Councils, and contests within the Town Councils for seats at the school Boards, for it would be felt that upon these contests would depend the religious character of the education of the children of the town; in rural districts the religious teaching would take the colour of the dominant sect of the district, usually that of the squire and the parson. Now, in one-half of the country parishes at the present time—he was speaking roughly, it might be more—but in about one-half at the present moment no Government aid was granted; in the remaining half the grants amounted to about one-third of the total cost of the schools. Henceforward all these schools would receive grants out of the rates and taxes amounting to at least two-thirds—it might be in some cases to the whole sum—and in every one of those cases in the rural districts they would find that the minority would have to pay for the religious teaching of the majority. Although it was true that the Government and the ratepayers would only pay nominally for the secular teaching, it must be borne in mind that the religious teaching of the school would have no existence but for this secular basis. It appeared that the effect of Clause 7 would be to materially strengthen denominationalism, and he thought that the object ought rather to have been to check its growth, and weaken its influence, so that it might ultimately vanish from the land. If he were correct in that opinion, that denominationalism in England would be strengthened, what would be the result in Ireland. It followed as a matter of necessity, or at any rate of justice, that it must be sanctioned there. He thought it would have been wiser to have introduced the Irish national system into England, rather than to export English denominationalism into Ireland. Had the principles of the Bill combined literary and moral instruction, with separate religious teaching, he did not think there would have been any opposition to the Bill; there certainly would not have been much on the ground of the religious difficulty. Under existing circumstances they would not reach any solid foundation short of separate religious teaching in all Government-aided denominational schools, taking care that the absentees from that religious teaching should not be liable to any disability, and that in all schools aided by rates the teaching should be entirely unsectarian or it might be secular. He would point out to the House what might perhaps be considered a warning, that there was a still lower depth than that. It might be if this agitation should be continued for a lengthened period that a party would arise in this country with a great and growing influence that might ultimately prevail, which might demand that in every school aided by the Government there should be exclusively secular education. This was not what he asked now; it was one of the possibilities of the future. He knew that the Vice President of the Committee of Council on Education had stated that neither the religious nor the irreligious difficulty should be allowed to stand in the way of the education of the people. Now, this was a bold statement; but he imagined that the Vice President of the Council had misunderstood the nature and extent of the public feeling upon this question. ["No, no!"] He would give the House some of the experience which he himself had gained during the agitation of the last few months. One of the objects of the organization with which he was connected was to elicit the opinion of the country upon all the questions which were likely to arise in connection with this subject, in order to obtain a basis upon which legislators might form correct opinions. He approached the religious question without any prejudice whatever. At least, as he was a Churchman, he approached it without any of the prejudices of the Dissenters. When, fourteen months ago, he called some friends together to consider whether the time had not arrived for some public movement in favour of education, they considered how this religious question should be treated. They were men of all creeds, and they came to the conclusion to recommend to the country that education in our national schools should be unsectarian. When the Educational League became known to the country, they were asked what they meant by "unsectarian." They answered that they meant that in the schools there should be taught no creed, catechisms, or tenets that were peculiar to any sect; but no sooner had they furnished that answer than they received numberless questions as to what they meant about the Bible, and they answered that they were not prepared to ask for an Act to exclude from the schools only one book, and that book the Bible; but they added, out of respect to the Roman Catholics, that the reading of it should be before or after the ordinary school hours. His own desire was that no more of religion should be excluded from the schools than was absolutely necessary; but then came the question, how much must be excluded? The difference between an unsectarian and a secular system appeared to be this—that in both you would exclude all Christian dogmas, but in an unsectarian system you would not have to exclude Christian precepts. He had never been afraid of the bugbear about those awkward questions which exceptional children might put to a master asking the authority for such precepts; but if in the answer were involved the acknowledgment of a future state of existence or of a God, he still thought that would be unsectarian teaching. The school life of the child would be entirely apart from sectarian influence, and later in life there would be more of Christian harmony and sympathy among the members of the different sects. The League was assailed on both sides by the secularists and by the Churches. The secularists told them that if the Bible were to be read in the schools the sects would immediately quarrel; and they pointed out that in Holland and in the United States there had arisen agitations to exclude the Bible from schools, and a speaker at Birmingham told them that in an Ulster school, where reading the Bible after school hours was the only religious element, the boys would in the playground divide themselves into Bible and non-Bible boys, and pelt each other with stones; and that even the girls took part in the affray. These things went to show that an unsectarian system would, as the secularists said, be unattainable. Now, what was the opinion of the Churches upon the subject? He had attended many meetings, and read most of the speeches that had been made, and he had arrived at the conclusion, from reading the opinions of that great party, that unsectarian education was unattainable. They were told that the word unsectarian was tricky; that the thing was unmitigated nonsense; that it was impossible. The argument everywhere was that religion must pervade the whole of the school teaching, that all morality was based upon religion, that all religion was based upon religious dogmas, and therefore that these dogmas must be taught in our schools. Now, what did this mean? It meant that the dogmas of the managers of these schools, or of the majority at the Board, should be taught in the school. Let there be no mistake about this. Archdeacon Horne said, on this subject, that unsectarian religion would be religion out of which all religion had been picked piece by piece. The Union felt that they could not advocate sectarian schools without coming face to face with the difficulty that if they should have such schools in this country they must have them also in Ireland. Lord Harrowby, who was President of two great Union conferences at Manchester and Birmingham, said that if they gave assistance to denominational education generally, the system must be extended to Roman Catholics, that there was no use struggling against it. He (Mr. Dixon) found similar sentiments everywhere, that Protestants and members of the Church of Rome united upon the same platform, and Archdeacon Hamilton, at Newcastle, exultantly declared that the Church of England, the Church of Rome, and the Wesleyan body, hand in hand, would smash the League. Now, if his interpretation of the position of the Churches was correct, if the Churches held that they were fighting for religion, and meant by religion the teaching of religious dogmas in all our schools—if, for the sake of that, they were willing to destroy the Irish system, he would ask the House to consider what would be the effect of the operation of the 7th clause of the Bill. He thought that the first result would be to fasten the teaching of religious dogmas upon every school in every district in which there was a dominant section, and this would be to devote the public funds to the maintenance of these dogmas, and if, as many believed, any Conscience Clause they could imagine would be inoperative, the children of the minority would be taught a religion to which their parents objected, and the minority would be forced to pay for the teaching of such doctrines. In all these cases there would be created sectarian strife, and there would be deferred for an indefinite period the attainment of perfect and complete religious equality. He warned the House that this was a subject of great importance. Already the tocsin had been sounded and the forces were mustering; and it would be found that the Churches were on one side, and the Nonconformist bodies on the other. Which would be likely to prevail? If they consulted history they would not be left in much doubt; and behind these armies there stood an enfranchised people, and the people had always given their votes in favour of equality. If the clause were to be passed by the House in its present shape he did not think that we should have peace in England until the Churches had laid down their arms defeated. It had been already whispered to him that if the clause should pass then, at every future election in the boroughs to be a Dissenter would be a qualification for a candidate, and to be a Churchman would be a disqualification in the eyes of the Liberal party. But they were told that, although in nearly every school there might be religious teaching based on dogmas, nevertheless efficient protection would be given by a stringent Conscience Clause. The Conscience Clause had been tried and found wanting, and had been finally rejected by the Nonconformists. It did not really give the protection it professed, and the poor were frequently unable to avail themselves of it, because the influence of their superiors in social position was too strong to be resisted. Moreover, how was it to be worked? Its inherent evil was that many parents would not dare to avail themselves of it; and it was not right in the agricultural districts to ask the people to say yes or no to this important question. In the thousands of small schools in the country districts there was but one room in the school, and where were the children to go while the religious teaching was being conducted? He thought a time-table Conscience Clause was the only one that would work. There ought to be separate religious instruction apart from the secular teaching, easy for the children to come to and stay away from, and no disabilities should attach to any children who absented themselves. It might be said that the illegitimate influence he condemned might still operate, though the religious teaching was given at a separate time; and he dared say in some cases it would be so; but then they must make that influence as small as possible, and defend the children from it as far as they could. If it were urged that after all the difference between the two different modes of working the Conscience Clause could not be great, then there would be all the less for the Government to concede in consenting to a time-table Conscience Clause. Unless given and received voluntarily, the influence of religious teaching was weakened, if not lost. It had been said that the result of the opinions advocated by the League would lead to wholly secular, and, therefore, "godless" schools. But supposing that the schools should become secular, would that really be so great an evil? He hoped that the hon. Member for Carlisle would lay before the House his experience on the subject, which would show that in the large secular schools with which he was connected the religious influence was more distinctly impressed on the scholars than in other cases. He had received a letter from a very competent authority in Ireland confirmatory of the same view, and the language of the Rev. Mr. Cox, an eminent Nonconformist divine, and of the Bishop of Ely, pointed in the same direction. He would repeat his objections to the manner in which the Bill dealt with the religious difficulty. It appeared to him that wherever a school Board was formed, as it would be in nearly every district, there would be, or might be, a contest for sectarian predominance; and wherever one sect was predominant in a school district, there the colour of that sect would be necessarily given to the religious teaching of the school. Now, the object of his Amendment was to declare that that was a fatal blot in the Bill. He hoped, before they went into Committee, the Government would come to the determination that the clauses should be considerably modified, and that it should not be left to school Boards to decide this religious question—a decision that could only be arrived at after much strife, and, he feared, much religious animosity. He trusted that by leaving the question to the House to decide, it would resolve it by declaring that all rate-aided schools should be unsectarian, and that all other elementary public schools should have the religious teaching separately given. He had no doubt he should be asked, Why not leave this question to be debated in Committee. Why take the unusual and grave step of moving an Amendment to the second reading? He would have preferred to have put an Amendment of a minor character upon the Notice Paper; but he believed this was the only manner in which he could bring the subject forward now, and he was anxious to lose no time in doing so, in order that by an immediate, a pointed, and a direct reference to it, this question might gain an importance which otherwise would not be given to it. He had watched, as far as he could, the indications that the Government chose to give as to their views upon this question; but he had not yet received an impression sufficiently favourable with reference to their probable action. He was sure there would be a feeling of deep disappointment throughout the country unless this, the first, occasion was taken for expressing very decided and strong views as to the manner in which the Government had thought well to treat the religious difficulty. If the Government should not think it right to make any kind of declaration, then it would be for the country, during the short period that might intervene between the second reading and the Committee, to express its opinion in such a manner that the House might have no doubt as to the public feeling. But if the Government should think that the manifestations which had been lately made upon this most important clause had been of such a character that it was advisable some kind of declaration should be made, and if that declaration held out a hope that the evils he had pointed out would be seriously considered with a view to their removal, then he should feel that the object for which the Amendment had been placed upon the Paper had been gained. And when he took into consideration those admirable provisions of the Bill which declared that in this country efficient schools should be brought to the door of every child, and that attendance should be made compulsory—if he could only feel that the Government would deal with the religious difficulty in a manner more in accordance with the expectations of the Nonconformists, he should have the conviction that the Government would receive, as their well-merited reward, a nation's gratitude. The hon. Member concluded by moving his Resolution.

Mr. ILLINGWORTH, in seconding the Amendment, said that three great measures had been laid on the table of the House by the present Government during the present Parliament—the Irish Church Bill, the Land Bill, and the Education Bill—and it was curious to observe that all these Bills were limited in their application. This Bill was limited to England, but as the two other Bills must exercise a powerful influence on another part of the Empire, he felt that the decision at which the House might arrive upon this Bill would operate powerfully not only in England, but also in Ireland and Scotland. For his part, if he thought that we should have a final settlement of the question on a religious basis, giving one religious body a preference, he would extend to the Irish a privilege which we claimed for ourselves. It was impossible that the Government in considering this question should not take into account the existing schools, which were both large in number and were already doing a good work. But any measure to be complete must be of another character. The denominations had been at work a great number of years, and had done as much as with the machinery at their disposal could be expected; but it was impossible to make adequate provision for the educational destitution of the country without compulsory powers, and unless the State took the matter more directly in hand, the children in our large towns—and he feared he must add in the rural districts also—were now allowed to receive out of doors an education of the most pernicious character; while the Government were bound to take care that there should be harmony between the new system and the old—the new system should not be based upon the old model. With regard to the measure of the Government, the question divided itself into two parts—first, the provisions they had a right to ask for in the shape of a Conscience Clause in the denominational schools now existing; and, secondly, the conditions under which the new schools to be constituted under the Bill should be conducted. He was not going to attempt to determine whether any, or what, religion should be taught in the new schools, but he objected strongly to Parliament abandoning its duty by refusing to determine so serious a question, and leaving the discussion to be threshed out in vestries in the smaller, or the meetings of corporations in the larger towns. They had been assured by the Government that the Conscience Clause was not to be a delusive one; but he found no guarantee of this kind in the Bill. Without separating religious and secular education, he did not see how it was to be secured. The object of the Irish system, as stated by the Commissioners of National Education, was "to afford combined literary and moral, and separate religious instruction;" and this was all that he, and those who thought with him, desired Parliament to do for English schools. He trusted that they would hear no more about the schools which they desired to see, being irreligious. One of the objections to the Government Bill was that it provided for denominational inspection, but no results were asked for in religious teaching, and the Inspectors might not belong to the sects whose schools they examined. Nothing could tend more to mar the operation of the measure than to introduce religious strife into these Boards. If the question were relegated to them, they must consider it in the best manner in their power; it would, however, be a great fault in the Bill if it were allowed to foster and increase religious animosities. He had as strong a feeling as any man in that House in favour of religious training, and he believed that no education without it was worthy of the name. But the ordinary education and the religious education could not proceed at the same time. They could not at the same moment be going through the multiplication table and be inculcating religious doctrine. The only thing he asked was that there should be complete separation, and that religion should not be taught by a stipendiary agency. Religious teaching ought to be undertaken by the religious bodies. He had been both a Sunday-school scholar and a Sunday-school teacher, and from his experience he believed that if the street Arab had a good secular teaching the use of Sunday-school teaching would be greatly increased. He hoped the Government would see its way to meet the demands of those who were not opposed to religious training, but who sought for religious liberty, and desired to secure the rights of all parties. The position of the working classes in regard to this question, must not be forgotten. He feared that the greater part of them did not not identify themselves with any religious body; but looking at the matter from a outside point of view, those who dwelt in towns were strongly opposed to anything savouring of sectarianism; and they found themselves represented by Members from the boroughs. But persons of the same class in the counties, who no doubt shared the feeling, had no direct representation in that House. He hoped, however, that Parliament would consider the claims of both these divisions of the population, and would find out a satisfactory mode of dealing with the difficulty.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities,"—(*Mr. Dixon,*) —instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. E. FORSTER: My hon. Friend the Member for Birmingham (Mr. Dixon) at the commencement of his remarks regretted that the importance of the question involved in his Amendment would prevent him touching other very important points of the Bill in which he felt great interest. I was glad, however, to hear my hon. Friend expressing his belief that under the provisions of the Bill school Boards would quickly become universal, and compulsory attendance be generally insisted upon, because I agree with him in entertaining the hope that the effect of the Bill will be that school Boards will be established throughout the country, and that in a short time attendance at school will be rendered compulsory. One other remark of my hon. Friend I must speak a few words of comment on. He stated that he thought the Bill would result in millions of pounds sterling being raised by rates. [Mr. Dixon: And taxes.] I certainly understood my hon. Friend to say rates, and to confine himself to that mode of raising money. I refer to this, because I do not want hon. Gentlemen, who feel naturally sensitive with regard to questions of rates, to suppose that the provisions of the Bill can result in the raising of millions of money by means of rates. Practically, the Bill provides for a rate not exceeding 3*d.* in the pound, in order to the carrying out of the requirements of the Act. That amount of rate would very rarely be exceeded; indeed, in my opinion, a smaller levy would be quite sufficient to work the Act; but should the whole sum be required, a 3*d.* rate throughout England and Wales would only, according to the authority of my right hon. Friend the President of the Poor Law Board, produce a sum total of £1,250,000. Having stated this much, I will at once proceed to the important Amendment of my hon. Friend. I was very glad to gather from his closing remarks that he does not mean his Amendment to have that effect on the Bill which, on the first sight, it would appear to have if passed. He seemed to speak with thorough heartiness his approval of the great leading principles of the measure. My hon. Friend the Member for Knaresborough (Mr. Illingworth)—whom, as one of my constituents and also as a Colleague, I may congratulate on the favourable beginning he has made in the debates of this House—in seconding the Amendment did not speak as though he intended the Motion to be hostile to the Bill; but I must assure my hon. Friends that viewed in the light of Parliamentary history and precedent theirs is, in fact, a hostile Amendment. Amendments have often before been moved to the second reading of a Bill, but I believe no single instance can be found of an Amendment of this kind having been moved, where the avowed object of those promoting it was not to throw out the Bill if not also the Government who had brought it in. I will not suppose that it is the wish of my hon. Friend to throw out this Bill, for he is too earnest in the cause of education to entertain such a wish. But we must take the Amendment as we find it, and I cannot help thinking that Gentlemen on both sides of the House will feel that the questions which have been raised to-night are not questions as to which we ought to be asked to decide upon abstract Resolutions, but which we ought to discuss and decide after the fullest deliberation in Committee. As it was to be an Amendment to the second reading, I do not know that it was easy to frame it otherwise; but the Amendment is certainly vague, and I would even add unfairly vague, though I acquit my hon. Friend of any intentional unfairness. Amendments of this kind are generally brought forward by Gentlemen influenced, no doubt, by feelings of duty, but still hostile to the Government and their measures; and, with the skill which is found among framers of hostile Resolutions, these are generally so constructed that Gentlemen with opposing views, but who all wish to get rid of the Bill, will be able for different reasons to vote for the Amendment. But friends of a Bill scarcely ever propose an Amendment with that intention. I can scarcely suppose that my hon. Friend, when he put his Amendment on the Notice Paper, was aware that the vote put by you, Sir, from the Chair would be "Aye" or "No" to the second reading; I imagine he thought it would be "Aye" or "No" to his Amendment. But let me point out that those who are prepared to vote in favour of this Amendment may mean three distinct things. The Amendment is very explicit as to what ought not to be done—that the question of religious instruction ought not to be determined by the local authorities. But my hon. Friend does not ignore the existence throughout the country of a question of religious instruction, and he knows that if it is not to be settled by the local authorities, it must be settled somewhere. The Amendment leaves it doubtful how it is to be settled; and, as I have said, leaves it open to the advocates of three distinct views to vote for the Amendment, however much they may differ among themselves. If the religious question is not to be determined by the local authorities it may be left to the Government of the day to prescribe how it shall be dealt with; or this may be prescribed by Act of Parliament in the very measure that we are now about to pass; or if it is not to be prescribed in either of these ways, it may be proscribed, and no religion whatever may be allowed to be taught in any school supported out of local funds. As regards the first of these views, I need not dwell much upon it. I do not suppose there is such an amount of confidence felt by the House or by the country in Earl De Grey or myself that they would be willing to entrust to us the task of prescribing what the religious instruction should be. And I hope that no such trust ever will be reposed in any central authority, enabling them to decide what the religious instruction shall be in every varying locality. My hon. Friend, I am quite aware, does not mean that. The next question is, shall we prescribe the nature of this instruction by Act of Parliament? My hon. Friend said the Amendment did not state what religious instruction should be given, and indeed, I could scarcely gather whether my hon. Friend meant that there should be any religious instruction at all, and, if any, what. I will ask hon. Members who think that Parliament should prescribe religious instruction in every locality in the kingdom, to consider what an outcry would be raised if we were to say such and such a religion shall be taught in every elementary school, whether the majority agree or not. I am sure it will be felt that Parliament never could take that course. Several Notices have been placed upon the Paper by hon. Members who, I believe, sympathize more or less with the hon. Member for Birmingham, but yet who evidently feel that these are points which can more properly be pushed to a division in Committee. There are five of these Amendments which would limit the discretion of the local authorities in the settlement of the religious question. I do not for a moment dispute that the mode we take of leaving the question to the local authorities to settle is one to which objection may be very easily raised. I never was blind to that. I have only felt that of all the alternatives open to us this was the one to which least objection could be taken. But it is a question upon which we can only fairly deliberate if we have at the same time to discuss the alternative proposals. And it is hardly fair to ask us to vote in favour of an abstract Resolution, unless you tell us exactly what you would propose by way of substitution. The hon. Member for Manchester (Mr. Jacob Bright) is among those by whom Amendments have been placed upon the Paper, and his Amendment limits the discretion given to the local Boards, and provides that no religious catechism or formularies in support of or in opposition to any religious sect shall be taught in the schools, but that the reading of the Holy Scriptures shall not be excluded. I am anxious to come to the discussion of that very important Amendment for this personal reason among others — It will be recollected that my right hon. Friend the Secretary of State for the Home Department and I have twice brought before the House, in 1867 and 1868, educational measures which originated with a Committee in Manchester, composed of men of all religious denominations, but of immense experience on educational matters. In those Bills exactly the same discretion was left to the local Boards as in this Bill. I remember well that when the Committee first submitted that provision to me, the objections which were capable of being urged to it started up in my mind—that there would be differences of opinion, and contests in boroughs; and it was not until we had long discussed the matter together that I came to the conclusion that any evils which might be attendant on the adoption of that course would be outweighed by the evils of any other course. Late last year I had the opportunity of consulting the Committee again, and ascertained that they still held the same view. This year, I believe, if we had not brought in a Bill, my hon. Friend the Member for Manchester, representing that Committee, would have brought forward a Bill on. their behalf. But the Amendment shows that they have changed their minds, and I am honestly and sincerely anxious to know why they have changed their views, for I am persuaded they could not have done so without good reason. Then comes the Amendment of my hon. Friend the Member for Leeds (Mr. Baines), that no denominational catechism shall be taught in any school. The hon. Member for Sunderland (Mr. Candlish) has a similar clause, and the hon. Member for Stroud (Mr. Winterbotham) has an Amendment providing that no religious instruction shall be given in rate-supported schools, but that the Holy Scriptures may be read. The hon. Member for Colchester (Dr. Brewer) desires that the school Boards shall prepare schedules in which they shall prescribe the religious instruction to be given. What I want my hon. Friend the Member for Manchester, and the other hon. Members who have given Notices of Amendment in Committee, to bear in mind is that, by the very terms of their Amendments, I claim their votes in favour of the second reading. There is not one of those Notices which does not leave some discretion to the local school Board, and there is not one of them, therefore, which is not opposed to the spirit of this abstract Resolution. But I claim the vote of my hon. Friend the Member for Birmingham himself. The Education League, of which he is at the head, and may be regarded as the representative, though they now appear to be going rather against this measure, have done a great deal in exciting interest in educational matters all over the country. Only a few weeks ago they prepared and circulated the heads of a Bill to be introduced in 1870. Among those heads was this—

> "No creed, catechism, or tenet peculiar to any sect shall be taught in any national-rate school, but the school Board shall have power to grant the use of the school-rooms out of school hours for the purpose of giving religious instruction, provided that no undue preference be given to one or more sects, to the exclusion of others."

It may be said that by this was meant that all parties should be treated with equality. Well, I prescribe the same thing in my 22nd clause. But when you give the managers of a rate-fund a power to do something, even according to certain conditions, you are giving them a great deal of power, and, at all events, you cannot say the religious question is nowhere left to them if they have the power to prescribe the time when and the place where such instruction is to be given. But much more, the school Committee is to have power to permit the reading of the Holy Scriptures. If they have power to permit, I suppose they will also have power to disallow. I think, therefore, I may claim the vote of my hon. Friend the Member for Birmingham against his own Resolution. I have read these Amendments, and I now refer to resolutions passed by different meetings in which great interest was taken in this question. It has been the fate of my right hon. Friend at the head of the Government and myself to see many deputations lately on this matter, and we have obtained much valuable information from them; but we have almost always found that this difficulty, which my hon. Friend tries to sweep away at once by an abstract Resolution, was a difficulty to which they also were compelled to yield. I do not know that there is any part of the kingdom where there is more feeling on this subject than in Wales. I am not surprised at that. What has passed there within the last year or two may well make Welshmen sensitive. A most earnest, intelligent, and influential deputation came to us from Wales. It had partly emanated from a conference of Nonconformist ministers in Wales. The first resolution of this conference had said, that—

> "That any system of national education fully meeting the requirements of Wales must be free, secular, unsectarian, and compulsory."

And the second said that it was not intended to exclude or to oppose the reading of the Bible. Upon asking for an explanation of the phrase secular and unsectarian, I was informed that the school should be secular in education and unsectarian in management. The hon. Member for Merthyr (Mr. Richard), however, than whom I do not believe there is a more candid man in this House, frankly confessed that there was a difference of opinion among themselves, and it was thought that by using the two words they might get over the difficulty. The resolution of another deputation, from the Committee of the Congregational Union, was to the effect that there should be no dogma taught in the rate-supported schools. I asked whether the word "dogma" was intended to apply to the dogmas held by one sect of Christians as against another, or to the dogmas held by all Christians, and I found it did not mean the latter. Now, I do not quote these inconsistencies in order to obtain any paltry argumentative triumph; I do so from no motive of that kind. I only bring them forward to show that all who have endeavoured to deal with the question have discovered its difficulties, and ought from their own experience to sympathize with the Government in reference to it; and let me add that they ought not to support my hon. Friend the Member for Birmingham in trying to meet it by an abstract Resolution, as to which each may feel somewhat differently, but hasten to go into Committee on the Bill, where we may fairly discuss the whole question, and deliberately consider all the Amendments, in order to determine whether there should be any limitations in the discretion given, and if so, what? That is what I say to all hon. Members who are in favour of unsectarian education. Unsectarian education is a very difficult matter to define in an Act of Parliament; but I deem it not at all difficult to reach in practice. If we cease to try this almost impossible task of finding words to put into an Act of Parliament to determine that education shall be unsectarian, almost the first effect of the Bill, when passed, will be to give religious, though unsectarian, training—training in the great moral truths; for children mostly under twelve years of age are not those to whom it is easy to teach theological doctrine. My hon. Friend the Member for Birmingham scarcely knows his own position. He said he was in favour of unsectarian, or, it may be, even secular education; but my hon. Friend went on to say, I do not ask for secular education now. I say more, Sir; I not only do not ask for secular education now, but I trust I never shall ask for it. The hon. Member for Knaresborough said there might be secular schools that would not injure religious training. I agree with him. There are such schools, and a part of this Bill provides that when the majority wishes for a secular school, a secular school they shall have. But I ask the House to consider for a moment what would be the effect of decreeing by Act of Parliament that in elementary schools supported by the rates, whether the majority wished it or not, religion should be excluded? Our opinions in religion may be different; but I think we all of us agree, the enormous majority of the country agrees, that the standard of right and wrong is based on religion, and that when you go against religion you strike a blow against morality; and if we could solemnly by Act of Parliament tell the parents of children to be educated that religion is a subject not to be mentioned in the schools, they would suppose that we cared little about religion ourselves, and that in our opinion it were best left alone. We are told that some active intelligent artizans—men to whom we look forward with hope that they will take part in the political government of the country—we are told that they have great doubts on this subject, and that they dislike any religion being pushed on them in this way. I believe that to some extent that is the case, and there is something in their past history to explain it; but if the House wishes to perpetuate that feeling, the way to do it is to decree that religion shall be tabooed. I speak not merely having regard to the present, but as having hope for the future. Surely the time will come when we shall find out how we can agree better on these matters — when men will find out that on the main questions of religion they agree, and that they can teach them in common to their children. Shall we cut off from the future all hope of such an agreement, and say that all those questions which regulate our conduct in life, and animate our hopes for the future after death—which form for us the standard of right and wrong — shall we say that all these are wholly to be excluded from our schools? It is not merely duty to the present and hope for the future; but it is the remembrance of the past that forbids us to exclude religion from the teaching of our schools. I confess I have still in my veins the blood of my Puritan forefathers, and I wonder to hear descendants of the Puritans now talk of religion as if it were the property of any class or condition of men. I regret to find that my hon. Friend the Member for Knaresborough seems to think that religion belongs specially to the minister. It belongs to the schoolmaster; it belongs to every man; and I am sure my hon. Friend when he thinks over it will see that it is not his place to sanction the doctrine that the priest or the minister must step in between a man and his Maker.

Mr. ILLINGWORTH explained, that he never intended to say anything of the kind. What he said was, that it belonged to religious bodies to teach religion.

Mr. W. E. FORSTER: I would say that it belongs to all religious men to teach religion, and the master of the school, we trust, will be a religious man. To no religious man can we say, leave religion alone. My hon. Friend the Member for Birmingham talked of the feelings of the working men. I have some experience of the working men. I know their sympathies, I know their doubts and difficulties: I wish I knew how to answer them; but I am sure of this, the old English Bible is still a sacred thing in their hearts. The English people cling to the Bible, and no measure will be more unpopular than that which declares by Act of Parliament that the Bible shall be excluded from the school. There are countries in which the Bible is excluded. I believe in some parts of the United States it is excluded at the present moment. I have heard a good deal about a coalition being entered into against religious teaching at schools; but I confess I did not expect to see that possible coalition reinforced by the Evangelical Nonconformists. The possibility of that coalition, however, reminds me of some words that have been put into my hands lately which were written by one for whose genius we have all a great respect. Speaking of the old English Protestant Bible the words are better than anything I can say, and therefore, if the House will allow me, I will read them. I dare say that a great number of hon. Members will at once recognize the author. The words are as follow:—

> "Who will not say that the uncommon beauty and marvellous English of the Protestant Bible is not one of the great strongholds of heresy in this country? It lives on the ear like a music that can never be forgotten—like the sound of church bells which the convert hardly knows how he can forego. Its felicities often seem to be almost things rather than mere words. It is part of the national mind, and the anchor of national seriousness. The memory of the dead passes into it. The potent traditions of childhood are stereotyped in its verses. The power of all the griefs and trials of man is hidden beneath its words. It is the representative of his best moments, and all that has been about him of soft, and gentle, and pure, and penitent, and good speaks to him for ever out of his English Bible. It is his sacred thing, which doubt has never dimmed and controversy never soiled. In the length and breadth of the land there is not a Protestant with one spark of religiousness about him whose spiritual biography is not in his Saxon Bible."

And do hon. Members suppose that even if we thought it right to try to do so we could pass a Bill to enact that, regardless of the wish of the majority, this Bible was not to be used, or that if such a Bill were passed it would not encounter great opposition? Some persons have remarked that it was scarcely fair for me to say that we might only get rid of the religious difficulty to replace it by an irreligious difficulty. The religious difficulty is a great difficulty I admit; but if we were in our educational zeal to exclude this book by Act of Parliament the irreligious difficulty we should thereby create would be far greater. By retaining its use in schools some individuals may object to pay the school rate on account of the particular religion supposed to be favoured at the schools; but were we to say that the majority were not to have their children taught the Bible even if they desired it, we should have the school rates objected to, not by individuals, but by large multitudes. I think that the House will now expect me, after dealing with the Amendment and the grounds by which it appears to be supported, to say something with regard to that portion of the Bill against which the Amendment was directed. Now, this portion of the Bill is contained in the 14th clause. I am aware that both the hon. Mover and the hon. Seconder of the Amendment think that it is also contained in the 7th clause; but that is a mistake on their parts, because the 14th clause is the first that deals with the management and the maintenance of schools by school Boards. In the 14th clause we say—

> "Every school provided by a school Board shall be a public elementary school, and shall be conducted as such under the control and management of such Board."

In the first place we say that the burden of proof lies upon the objectors to show us why the school Boards should not be treated precisely the same as any other managers are treated. They are bound to manage the schools, and it is only fair that, having that onerous duty imposed upon them, they should have the same power conferred upon them as is possessed by other managers. But it is said that they should not have the power of religious teaching placed in their hands, and that the Government have avoided and shirked the question by throwing the decision of it upon the school Boards. I will state the reason why we propose to leave the decision of the matter to them. We think that they are the persons the most concerned and the most interested in the question; we think we have amply provided in this Bill—and if we have not done so we must amend and amend it again until we have provided—that the school Board shall be elected by the persons most interested in the subject—namely, the parents, who we think are the best fitted to determine the question of religious or non-religious teaching. That was our simple reason for leaving the question of religious teaching to be settled by the school Boards. Then it was stated that by this proposal we should be giving rise to religious quarrels, and that the elections of the members of the school Boards would be determined upon religious grounds only. I do not deny that such may sometimes be the case; but I can only say this, that as far as I have been able to study the matter it seems to me that we should cause more religious quarrels by deciding the question of religious teaching ourselves. Upon this point, of course, hon. Members will entertain their own opinion, and when we go into Committee upon the Bill we shall be most glad to consider any Amendment which may be proposed for limiting the powers of the school Boards. I think I ought, however, to say why we think that we shall cause more religious quarrels by not leaving the decision of the question to the school Boards. We think so upon this ground. That we should be stepping out of the province of Imperial legislation, and attempting, by Act of Parliament, to establish a rigid rule regardless of all the varying circumstances and wishes of different localities, and the result would be that we should meet with opposition from all quarters, and give rise to more heartburnings than if we left the matter alone. And this we assert not from *a priori* grounds, but from what is actually occurring in other countries at the present moment. Take the Irish system, for instance—and I am far from saying that in Committee we may not obtain great advantage from the consideration of that system — yet, whatever its merits it has not prevented religious disputes. In the United States again, the system there adopted, notwithstanding the enormous benefits it has conferred on the community, is said to be in great danger. The question of the exclusion of the Bible in that country has been raised, and men are rallying round the point in dispute on both sides. And why is that system in danger? Because it does not do what this Bill proposes to do—namely, to leave the question of religious teaching to the discretion of the school Boards. In Cincinnati I am sorry to say it has been decided by the school Board that the Bible shall be excluded; but among the last news from America it will be found that the Supreme Court has reversed that decision, and this has endangered the whole system. This danger could not have arisen under the present Bill, because it will be within the power of the school Boards to adopt secular education if they please. In Germany we find that a different course has been taken, the exact teaching being prescribed. Almost equal difficulty has occurred there. The hon. Member for Birmingham cited the case of Holland as that of a country in which the Bible is not used in schools; but I think the hon. Member is hardly aware of the position of Holland in the matter. The actual state of Holland may be seen from the following statement which I have received from a Dutch gentleman, who made inquiries at my instance. He is well known to many hon. Members, and is well acquainted with English life, and is of Liberal opinions. I wanted to know from him the feeling of the mass of the parents. He says—

> "There is no doubt that with universal suffrage the system prevailing would hardly be kept up, and that the Bible, the Catechism, and the priest in Roman Catholic parts of the country would reappear. The great hardship of having excellent denominational schools unprovided from the Exchequer simply because they teach religion is growing on many people who themselves are

opposed to denominational education. Only the other day one of the leaders of the Radical party told me he was gradually coming round to the opinion that the communes should be left free in the choice of their system, and that they should be allowed to have religion taught wherever there was a majority in its favour, with provisions to protect the minority, exactly the system I congratulate you on having proposed for England. There is no doubt that the number of schools started by Roman Catholics and Evangelicals in opposition to the Government school is steadily on the increase. It is felt that the Government school teaching no religion not only leaves a gap, but tends to make the children utterly careless or even hostile to religion, looking upon the hours spent out of school with the clergy as so much wasted time irrelevant to the practical interest of life."

He says local disputes do not disappear, because disputes arise as to who should appoint the master; and, he adds—

> "Our system leads to another dangerous consequence. At each General Election the question divides the voters; it excites and inflames all the religious passions, and prevents other questions being properly attended to."

I do not say that opinion is a conclusive one; but it is the opinion of an eye-witness who deserves attention, and I mention it in justification of the Government's proposal. That proposal, I would have hon. Members believe, has been put forward, not as an *arrière pensée*, but as the best means at our disposal for solving a difficult problem. We must make up our minds that nothing we can do here will prevent disputes. We may declare that the school shall be secular; we cannot declare, and we do not wish to declare, that the school shall not be taught by men who have religious feelings and opinions. My honest belief is, that if quarrels occur about anything, they will occur about the appointment of the masters. People of strong religious convictions would say that as the school is secular it will have strong rationalistic tendencies, and, consequently they will do their best to secure a religious teacher, who will give a religious tone to the school which would then be in some sense religious. I do not myself look forward to quarrels in the Boards; but even if I did I should still say, pass the Bill; it is better these quarrels should occur, and that men in electing Town Councils should think about religious questions, than that ignorance should continue. But I do not believe these quarrels will happen, because I have confidence in the common sense of the country. I trust to one fact and one principle. The principle is municipal government, and the fact is the practical history of education. I do not dispute the existence of the religious difficulty, nobody who cares about education can afford to underrate it. The religious difficulty has kept the country in comparative ignorance for ten years past; but it has been a difficulty felt, not so much by those concerned with teaching as by those who wish to concern themselves with those who are concerned with the teaching. It is a difficulty felt, not so much by the parents of the children or the masters or the school managers; for wherever there has been a parent wishing to get his child taught and a teacher ready to educate him, the difficulty has, generally speaking, been got over. Therefore, I say that, if you bring this practical work home to the school Boards, and tell them it is their duty, and they must do it, and that if they fail the State will do it for them, my firm belief is that the difficulty will disappear. I will give an illustration; and will take it from a secondary school, such as many of us might send our own children to, for I want to bring this question home to ourselves, that we may deal with it as if it were our own case. I would here remind the House that these difficulties of which we make so much in the case of poor children do not arise in the case of our own children; and I doubt whether those parents have more doubt in their minds upon the subject with reference to their children than we have as regards ours. I take my illustration from a letter addressed to me by Mr. Evans, of King Edward's School, Birmingham.—

> "This school contains nearly 1,900 pupils, of whom more than half are Nonconformists of thirteen different denominations (there were seventeen a short time ago). They all receive a considerable amount of religious instruction, and I may add that the examiners have from time to time reported very favourably on the high average attainments of the boys in divinity. Professor Lightfoot, Canon Westcott, and Dr. Benson were educated here. Any parent who either orally or in writing should express to me his wish to withdraw his son from a religious lesson, on the ground of conscientious scruples, would be at liberty to do so. Of such permission, however, no advantage has been taken except in the case of Jews, who do not attend lessons in the New Testament. The system appears to give entire satisfaction—to none more than to the Rev. C. Vince and the Rev. R. W. Dale, who both have sons in the school. The liberty of conscience thus allowed is not secured by any legal instrument or Conscience Clause, but rests simply on custom, and an understanding between parents and the headmaster."

And here is the deduction Mr. Evans draws—

> If, however, the governors of this school—a self-elected, and, for the most part, a Conservative body—together with the headmaster, a clergyman of the Church of England, have, of their own accord, devised and carried out a scheme so liberal and so popular, have we not a right to expect an equally liberal scheme of religious instruction from the local Boards constituted as proposed in the Government Bill?"

That is a practical view of the case, and I really do wish my hon. Friends, taking the same view of politics and belonging to the same Radical school as myself, would have a little more confidence in what I have always supposed to be one of the chief Radical tenets, and that is trust in municipal government elected by the ratepayers. As I said before, this is not so much a difficulty felt by the parents as by the ministers of religion, some of whom wish to get the children to attend certain schools, while others wish to keep them away. This is where the difficulty mainly springs from; but with a school Board elected by the ratepayers—that is, by the parents taking an interest in the education of their children, as they do at present, and as they will do to a greater extent in the future, we shall have those who are likely to aggravate the religious difficulty met by a cry of "Hands off; let us get education as best we can." What we should prefer is a school where the children would get Christian though not controversial training, and in the enormous majority of cases that is what the children would get, at least in the towns. I will not deny that there are some cases in the rural parishes which require special attention. Some cases have come before me in which there has been an attempt made on the part of the clergyman, sometimes backed by the squire, to exercise an illegitimate influence upon the children of Dissenters. Generally speaking, I may say in every case that has come practically before me, that influence has been exercised either to prevent these children going to a Sunday school, or to make them go to a Sunday school. Well, Clause 7 is very strong, indeed, on this point. Sorry as I am that any such attempt should be made and anxious as I am that these attempts should be discontinued, we cannot change society. What more can we do than give the power of election to the parents? Hon. Members may say the election of Vestries is not sufficiently guarded. [An hon. MEMBER: The Ballot.] Well, that is a matter we must talk about in Committee. I am not aware what are the councils of the Cabinet on that matter but there seems to be an expectation that the Ballot is not very far in the distance, and if it should be applied in any case it might be applied in the case of these elections. We have provided that the feelings of Dissenters should be consulted and their rights protected if they care to take advantage of the means we place at their disposal; if they are careless the fault is theirs. But our Nonconformist friends tell us—"This is concurrent endowment over again, and the church rate contest over again." I wish hon. Members would consider what it is they are now dealing with, and what it was they dealt with when the phrase "concurrent endowment" was invented. In the one case the matter was religion and nothing but religion; in this case it is religious accompaniments to secular instruction—the main object. Hon. Members who think we must come to secular education, and nothing but secular education, have some right to say that they will act upon the principle of opposition to all concurrent endowment. I do not gather that many hon. Members are prepared to go so far as that; and if they are not they are at this moment sanctioning this principle of concurrent endowment, if, indeed, it applies to education at all. There is concurrent endowment of the denominational schools at the present time. There is, likewise, concurrent endowment of the Roman Catholic and Protestant schools according to the Irish system, in praise of which we have heard so much; and there would be concurrent endowment if the proposals of the hon. Member for Birmingham were carried into effect, for if you are to provide a building for religious instruction by different denominations, what is that but concurrent endowment? I think hon. Gentlemen generally will find out that they can hardly apply that principle to education. We come back, then, to that which relates more to the real matter in hand—namely, the practical object aimed at by our Nonconformist friends, and the manner in which the religious question is treated by the present Bill; and I speak now not so much of Clause 14 as of Clause 7. All I can say of Clause 7 is—"Let it go into Committee, and if it can be shown that we have not carried out the principle of that clause we must amend it until the principle is carried out." That principle was in our minds the most perfect protection of the religious opinions of the Dissenters and of the secularists — of every parent, in a word, with regard to his views of religion or even against religion. We wished to give every parent the most complete power to withdraw his child from any religious education of which he might disapprove, and, at the same time, we desired to provide that his child should not lose the secular instruction to which he has a right and for which the rates are paid. We think that principle is carried out by the clause, but, if it be proved to us that it is not, we must amend the clause until it does carry out the principle. I think the hon. Member for Birmingham must have felt, when he was objecting to that clause, that he was making a speech which ought properly to have been delivered on the clause in Committee rather than in support of the present Resolution, which has nothing to do with the clause. My belief, and I think it is shared by many Members who, in other respects, take different views on this question, is that if we could make Clause 7 perfectly effective many objections to Clause 14, and also to the clause which gives power to aid denominational schools, will be removed. The key to the whole Bill, as far as it relates to the religious difficulty, is this—We have framed Clause 7 in the belief that it is effective, and that it will give most complete protection in regard to the religious feelings of the parents. I quite admit, however, that if the Bill were to pass into law without that clause being effective it would not carry out our wishes or the wishes of the country. I must now allude to one or two other objections which I confess I was rather sorry to hear. I have seen it stated very often in the public Press, and several gentlemen have likewise told me, that the Bill cannot be a good one, because it aids one denomination more than it aids another — or, in other words, that it gives more assistance to the Established Church than to any other denomination. Indeed, I have been sometimes told that what little I have had to do with bringing in the Bill must have been done with the intention of specially aiding the Church. Well, I can only say that I am innocent of any such attempt, and of all belief that such a result would be produced. My object, and I may say our object in framing the Bill has been education and education alone, We determined that nothing we might do should discourage religion, and surely we should have been blamed if we had discouraged it. We were also determined that, while not discouraging religion, we would not treat one religious sect with greater indulgence than another. Now, I believe we have thoroughly carried out that principle. If not, when we go into Committee hon. Gentlemen will have opportunities of pointing out any case in which we have treated the Church of England with more indulgence than other religious bodies, and if a flaw can be detected it must, of course, be removed. It is quite true that there are throughout the country a vast number of Church schools; but it is not our fault that they are in existence; and it is allowed by all who take an interest in the subject that we must not destroy before we build up. If, by passing this measure, we destroy the present educational agencies, it will be long before we could do as much good as we should have done harm; and, therefore, as a friend of education, and of education only, I was anxious that we should help every person, whether he belonged to the Church of England or not, who was willing to spend either his time or his money in promoting education among his poorer neighbours. We wished to help them as far as they help us in our efforts, and upon one condition —namely, that the help should not be afforded if any attempt were made at persecution or illegitimate proselytizing. We must admit, after all, that this is a matter affecting the interests of the whole country. The task is a very difficult one, and we cannot afford to dispense with any social force which will aid us in accomplishing it. Well, I find in existence a powerful social force depending very much on denominational zeal and ardour; and I am not saying anything against that zeal and ardour, proceeding as they do from men who have a faith which helps them in this world, and fills them with hope in regard to the next. This is not a feeling which I ought to despise, especially when I find it has induced many men to spend much time and money, and to lead self-denying lives in order to promote that secular education for which we all care so much. This, I repeat, is a social force which we cannot dispense with. We must, of course, protect parents residing in country parishes, and this is a point which will require to be carefully looked at. But with regard to the country parishes alone, if we were to drive all the clergy from the educational camp, I, for one, do not know how we should be able to replace them. We only propose to take their help for the future on what we consider fair conditions; but do not let us throw away and reject aid without which we cannot hope to promote education, especially in the rural districts. And this is not the only great social force which exists. There is another, and most glad am I to welcome it. It is the force of the popular feeling among the parents of the children, especially the intelligent parents, in our densely-peopled towns. I rejoice to see them taking the matter into their own hands, They feel they are doing a duty which they owe to themselves, to their children, and to their own class. But by this Bill we provide that wherever they feel an interest in the matter, they should have it in their own hands. I look forward in the hope of seeing town after town in which parents will feel so strongly on the subject that they will make such arrangements that the education of their children and the children of their fellow-artizans shall be conducted under their own management and in the manner they approve. Then I am told that hon. Gentlemen opposite support the Bill. [*Ironical cheers.*] I hope we shall never come to that mode mode of treating questions, which would oblige us to conclude that because Gentlemen on the other side of the House support a measure it must necessarily be a bad one. It is not only this year that some hon. Members opposite have been prepared to support a Bill like this; some of them, like my right hon. Friend (Sir John Pakington), from whom I have learnt much respecting education, would have supported it long ago. Indeed, in this matter, the right hon. Gentleman has been in advance of most Members on either side of the House. However, hon. Gentlemen opposite will not deny that this Bill, although it has been most kindly received by them this year, would not have been so received by them at an earlier date; but are we to complain that hon. Gentleman opposite have found out that some measure of this kind must be passed? They have made what they regard as great concessions, for which I thank them. Last year, for instance, they would hardly have been prepared to accede to a strict Conscience Clause being imposed in schools in which much money had been voluntarily expended without any expectation that such a clause would be applied to them. Nor probably would they have been prepared to do away with denominational Inspectors, or to accept the principle of a rate for educational purposes, to which last year strong objection was expressed. I am most grateful to find they are looking at the subject in a way which gives hope that a satisfactory Bill may be at length passed. Although my hon. Friend the Member for Birmingham complains of a part of this Bill, he knows that it has within it that great principle which he and I have been so long contending for —a legal provision for schools throughout the country. Conservatives generally have opposed the principle until now. It is not for us to complain that they have come round to our views, and I certainly regretted to hear the scornful cheers of the Members below the Gangway, as if they were ready to blame hon. Gentlemen opposite for lending their support to the Bill. ["No, no!"] It does, in my opinion, great credit to their hearts and heads. They have discovered that new conditions of society exist. They perceive that the measure which we passed three years ago renders it necessary that we should find new forms in which to clothe the old spirit, which I believe to be at the bottom of both Conservatism and Radicalism, and which seeks to preserve all the great institutions of the country on the one hand, while it desires to tear up the weeds which lie at the roots of those institutions on the other. It is a great credit to them, also, that they accept this Bill, although with misgivings, and with the feeling that it is opposed to many of the views which they entertain, because they wish to contribute to the promotion of the great work of popular education. I do not know that I have any right to say a word either to my Nonconformist Friends or to my fellow-Radicals. I am not a Dissenter. I wish I could see my way clearly to belong to any religious community. [*Laughter.*] An hon. Member laughs; but it is no laughing matter. But though I do not belong to either Church or Dissent, yet I have a feeling of attachment to both, and I would warn my Dissenting Friends against standing in the way of this Bill merely because it is supported by the Church, when every hope of making any necessary Amendments in Committee is held out to them. To my Radical Friends I would say—"Consider well before, in obedience to any passing breath of popular feeling, you give up the great principle of municipal control and election." As to my hon. Friend the Member for Birmingham, what more can he and his friends of the Education League desire than they obtain in this Bill? With the exception of the principle of free schools, which I think does not meet with much acceptation, there is no principle adopted by the League which cannot be carried out in any locality where the majority of the population desire it; and surely my hon. Friend does not wish to push his educational dogmas down the throats of the majority. But wherever the majority of the population believe in his dogmas they can carry them out. I trust that after the explanations I have given he will not think it right to take his Amendment to a division. I ask him not to do so, mainly on the ground that I cannot bear the thought that this, which I believe to be one of the strongest Radical measures which could be proposed which, though indeed it has been called timid and tentative, will yet make legal provision for schools throughout the country — should pass the second reading in the face of Radical opposition. It is a Bill in framing which we have endeavoured to carry out two principles — the most perfect protection to the parent and the securing of the most complete fairness and impartiality in the treatment of all religious denominations. If, in order to carry out these principles, it is necessary to amend the provisions of this Bill, that must be done. I ask the House, then, not to give its assent to a mere abstract proposition. Let us join in Committee in the endeavour to find some way by which the difficulties which have been pointed out may be met, and I have not the slightest doubt that we shall succeed in the attempt, and thus bring this great work to a satisfactory conclusion.

MR. WINTERBOTHAM moved the adjournment of the debate.

MR. GLADSTONE: No objection can be taken on the part of the Government to the Motion; but we have been placed in a peculiar and unexpected position, and I am desirous that we shall be permitted to carry forward this debate to-morrow night. In fact, unless we are allowed to do so, I cannot see how we shall be able to proceed satisfactorily, in consequence of the intervention of the Bill dealing with the state of Ireland, of which my right hon. Friend the Chief Secretary for Ireland has given notice to move the introduction on Thursday. On looking to the Notices for to-morrow, I find there are two with regard to which it is absolutely incumbent upon us to make some arrangement. The first relates to a Bill to relieve Lords Spiritual (hereafter consecrated) from attendance in Parliament. If the hon. Member for Wakefield (Mr. Somerset Beaumont), in whose name that stands, will withdraw it for to-morrow, we shall undertake to consider it at a convenient period of the Session. [*Laughter.*] Well, I will undertake that he shall be under no disadvantage with regard to time. This is a case of great necessity, and nothing could be more unsatisfactory than that the debate on the second reading should be interrupted for an indefinite period. The second Notice is by the hon. Member for Liverpool (Mr. Graves), and relates to the rate of inland postage. I admit he is entitled to look for some solution of that matter with reference to the approaching Budget of my right hon. Friend the Chancellor of the Exchequer; but I hope he will accept my frank assurance that, if he waives his precedence to-morrow, he shall suffer from no serious inconvenience by doing so.

MR. SOMERSET BEAUMONT expressed his willingness to accede to the request made by the right hon. Gentleman on the part of the Government.

MR. GRAVES said, he would consent to postpone his Motion. He could not do so, however, without a protest against the practice which seemed to be growing up of turning Tuesdays into Government nights, and thus encroaching on the privileges of private Members. In giving way, however, on the present occasion, it must be on the distinct understanding that he should have an opportunity of bringing forward his Motion before the Financial Statement was made by the Chancellor of the Exchequer.

Mr. SCLATER-BOOTH said, the Life Assurance Companies Bill stood on the Paper for to-morrow. It was with great reluctance his right hon. Friend the Member for Shoreham (Mr. Stephen Cave) had postponed it last week. It was rather hard upon private Members, in the month of March, to take from them their opportunities of bringing on Motions.

Sir CHARLES W. DILKE asked what arrangements it was proposed to make for the continuance of the debate after to-morrow?

Mr. GLADSTONE hoped that it might be concluded to-morrow night.

Mr. VERNON HARCOURT said, that it must not be supposed there was any understanding on the part of Members below the Gangway, that the debate would close to-morrow. There had been four nights' debate on the Irish Land Bill, and it would hardly be dealing with a great question in an adequate manner to hurry it to a close in less than two.

Mr. P. A. TAYLOR said, he should reserve the observations which he had intended to make to-morrow in moving for leave to introduce a Bill for the abolition of the existing Game Laws until the second reading, if he had an assurance from the Government that no objection would be offered to the introduction of the measure.

Mr. BRUCE said, that no objection would be offered on the part of the Government to the introduction of the Bill.

Debate *adjourned* till *To-morrow.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £218,003 0*s.* 7*d.*, be granted to Her Majesty to make good Excesses of Expenditure beyond the Grants for the following Civil Services, for the year ended on the 31st day of March 1869, viz.:

[Then the several Services are set forth.]

Mr. STANSFELD, in proposing a Vote of £218,003 0*s.* 7*d.*, to make good Excesses of Expenditure on certain Grants for Civil Services for the year, ended on the 31st day of March, 1869, said that the Appropriation Accounts for 1868-9, though laid on the Table in due time and now in course of printing, had not yet been distributed among hon. Members in consequence of the heavy demands recently made upon the printers; and he must therefore ask for the indulgence of the Committee in proposing the Vote. Excess Votes did not imply a total excess in the expenditure of the year; on the contrary, the net saving in Civil Service Grants in 1868-9 was £344,826. These excesses had been already met by advances out of Ways and Means in the current year, and the Vote of to-night was, therefore, essentially matter of account. It was important that no time should be lost in passing it. It might be asked why he had not laid the Excess Votes before the House at an earlier period; but the fact was that they were found to include some excesses in the Consular Estimates for China and Japan going back so far as the year 1864-65, and when these came before him he felt that they ought to be subjected to a rigorous departmental audit. They had, therefore, been closely examined and audited at the Treasury, and he trusted that the Committee now sitting on consular and diplomatic expenditure, would take this expenditure into consideration. He could only say that all Papers should be at the disposal of the Committee, and that the officers employed to audit the accounts would be ready to give evidence if the Committee so decided.

Mr. POLLARD-URQUHART said, the course now proposed would be a dangerous precedent, practically nullifying the operation of the Exchequer and Audit Act. There ought to be time to examine these accounts, and the right hon. Gentleman was presuming on the confidence of the Committee in asking for a Vote without any explanation being given of several of the items.

Sir CHARLES W. DILKE said, that a Vote by this House involved responsibility, otherwise proceedings in Committee of Supply would be a farce. As he desired an explanation of the item of £58,443 11*s.* 11*d.* for Services in China, Japan, and Siam—1864-5, 1865-6, 1866-7, 1867-8,—he would move its omission.

Motion made, and Question proposed, "That the Item of £58,443 11*s.* 11*d.*, for Services in China, Japan, and Siam, 1864-5, 1865-6, 1866-7, 1867-8, be omitted from the proposed Vote."—(*Sir Charles Dilke.*)

Mr. LIDDELL said he must protest against the course which the Committee were asked to pursue. The Public Accounts Committee was useless unless it examined witnesses and investigated matters of this kind. It was a most startling thing to be ask to vote a lump sum to cover excesses that went back for so many years, and he hoped that this was the last time such a request would be made.

Mr. SCLATER-BOOTH said, that undoubtedly these excesses for China and Japan were extremely unsatisfactory, and showed that there must have been great irregularity in the keeping the accounts of the Department. It was, however, necessary to vote them in order that the accounts might be settled within the current financial year, which would end on the 5th of April. The matter would not come before the Public Accounts Committee until they examined the accounts which could not be within the current financial year. It would be the business of that Committee to report whether any irregularities had occurred. He presumed the explanations appended to the Excess Votes were the same as those inserted in the Report of the Auditor-General, and therefore the Committee were in possession of the information that would be furnished by his Report.

Mr. R. SHAW said, it was only last week they voted £14,000 for excesses over Estimates in the Consular Department, and now they were asked to vote £63,000 more for excesses over the Estimates of the last six years. This was most unsatisfactory, and the more so because no particulars were furnished. If money were voted in this way similar demands would be made year after year. As to the Committee on the Consular Service, he had arrived at the conclusion that the Foreign Office was the master of the House of Commons and of the Treasury too, and, unless the Chancellor of the Exchequer came to the rescue, there was little hope of anything being done.

Mr. NEVILLE-GRENVILLE said, there was one item which he hoped they would never see again, and that was an increase in the salary of the Third Lord of the Treasury.

Mr. RYLANDS said, he could not accept the explanation given as satisfactory. He supposed the money had been spent without the items previously appearing in the Estimates. As it was admitted there had been irregularity, he should be glad to know where it had occurred. Perhaps the right hon. Gentleman would tell the Committee by what authority these sums had been paid. It would reflect great discredit upon the House if the system were allowed to pass without a strong expression of disapproval. It was a most unreasonable proceeding to bring on these excesses of expenditure at the close of a long debate, and at a time of night when public attention out-of-doors could not be directed to the subject.

Mr. CANDLISH said, these excesses were inconsistent with the theory that the sanction of the House of Commons was necessary for an expenditure of public money. The irregularity was the work of the late Government; and the present Government pleaded not guilty, and said they would not do it again.

Mr. KINNAIRD said, he understood the irregularity was admitted and no defence offered, but there was a distinct promise that all information should be given to the Committee upstairs. The money had been expended, and the House must sanction it.

Mr. Alderman LUSK said, they might have to pay, but they ought to be allowed to grumble. It was all very well to say that this was "a matter of account;" he could not understand this way of keeping accounts, and he did not believe it was "a matter of account" at all. He thought it most irregular to apply in this way for the payment of such charges, and he trusted that in future matters of this kind would be brought forward at a time when they could be properly discussed.

Mr. CHILDERS said, that before 1866 there was no real audit for the Civil Service expenditure, but in that year the Treasury brought in a Bill to constitute an effectual audit. That Bill did not come into operation until 1869, and therefore the present Vote was the first under the Exchequer Audit Act. The object of that Act was to prevent the control of the House over the expenditure from being evaded by Votes being carried forward from year to year, and it had resulted in showing this expenditure to have been incurred. Nothing similar to that which was now complained of could occur in future years without the Treasury and the Departments concerned incurring serious blame.

MR. WHITWELL said, he thought that some Return should be laid on the Table showing in detail how these excesses arose.

MR. STANSFELD said, he must appeal to the hon. Member for Chelsea (Sir Charles W. Dilke) not to press his Amendment. He was far from defending the irregularity which had occurred, but it arose under the system to which he had already alluded. The real question was in what manner and at what time these items could undergo investigation. They could not be investigated at the present moment, but they might be scrutinized by the Committee now sitting upstairs on the subject of the Diplomatic and Consular Services, and no similar irregularity could again occur to the same extent.

SIR CHARLES W. DILKE said, he felt that the only way in which the Committee could express an opinion on the subject was by a division. No process of voting or not voting could decide anything in reference to the matter to be objected to by his hon. Friend.

MR. R. FOWLER said, he thought some explanation as to the mode of payment—as to whom the money had been spent by—would be desirable.

Question put.

The Committee *divided:* — Ayes 21; Noes 47: Majority 26.

MR. NEVILLE-GRENVILLE said, he hoped that some of the items in this Vote would never occur again. There had been an increase in sixty-nine items after the present Government came in. He was glad the post of Third Lord of the Treasury had not been continued, and that the right hon. Gentleman (Mr. Stansfeld) was now in his proper position.

MR. ALDERMAN LUSK said, the items for printing and other matters appeared to be unnecessarily large. Scotch Law was a very expensive item in the accounts, and so were "Temporary Commissions."

MR. STANSFELD said, the last item had been raised considerably by the Coal Commission and the Commission on Railways in Ireland. This was always an item of uncertain amount. The other items were explained in the Votes.

Original Question put, and *agreed to.*

(2.) *Resolved,* That a sum, not exceeding £19,286 6*s.* 7*d.*, be granted to Her Majesty, to make good Excesses of Expenditure beyond the Grants for the following Inland Revenue and Post Office Packet Services, for the year ended on the 31st day of March 1869: viz.

	£	*s.*	*d.*
Inland Revenue Department	17,728	16	8
Post Office Packet Service .	1,557	9	11
	£19,286	6	7

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

TRAMWAYS BILL.

APPOINTMENT OF COMMITTEE.

MR. SHAW-LEFEVRE moved that the Select Committee on Tramways should consist of nine Members.

MR. HODGSON said, he hoped that counsel would be heard before the Committee, as important interests were involved.

MR. SHAW-LEFEVRE said, that would be for the Committee to decide.

Motion *agreed to.*

Committee *nominated* as follows:—Mr. SHAW-LEFEVRE, Colonel WILSON-PATTEN, Mr. AYRTON, Mr. SCLATER-BOOTH, Mr. DENT, Mr. CAWLEY, Mr. HIBBERT, Lord GEORGE HAMILTON, and Mr. LOCH:—Power to send for persons, papers, and records; Five to be the quorum.

BROKERS (CITY OF LONDON) BILL.

On Motion of Mr. WILLIAM FOWLER, Bill to relieve the Brokers of the City of London from the supervision of the Court of Mayor and Aldermen of the said City, *ordered* to be brought in by Mr. WILLIAM FOWLER, Mr. MORLEY, Mr. EYKYN, and Mr. BOWRING.

Bill *presented,* and read the first time. [Bill 71.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, 15*th March*, 1870.

MINUTES.]—Public Bills—*First Reading*—Coinage * (36); Income Tax Assessment and Inland Revenue Law Amendment * (37).

STATE OF IRELAND—QUESTION.

The Marquess of **CLANRICARDE** said, there was a report that a considerable body of troops had been sent from Dublin into the county with which he was connected (Galway), although not into the district with which he was more immediately connected. It was said that three companies of infantry and a troop of dragoons had been sent to Tuam, with the view of their being sent further into the county. He did not know how far the report might be true; but he had it upon a very good authority. Now the sending so large a military force into that county was well calculated to raise considerable alarm throughout Ireland and in this country also. He should be glad if the Secretary of the State for the Colonies would tell him whether the Government in this country had any information of such action having been taken by the Irish Government, and if so, what were the reasons which were deemed to necessitate that step?

Earl **GRANVILLE** replied that a telegram was received on Saturday at Dublin Castle from the resident magistrate of Tuam, stating that a large mob had assembled between Dunmore and Tuam, and were obliging the farmers to swear that they would give up their grass lands, and were also levying money and burning hay-ricks. A detachment of constabulary was thereupon ordered to proceed from Athlone to Tuam. But it turned out that the report had been much exaggerated, though it was true the county of Mayo was in a bad and disturbed state. Bands of men had been roaming about within the last few days, obliging farmers to swear that they would give up their grass lands, attacking herds' houses, and levying money. There seemed, also, to have been two cases of incendiarism. A telegram was received yesterday from the major in command of the detachment stating that nothing fresh was reported, and that everything appeared quiet. He added that that district was usually in a bad state, but that the account was exaggerated.

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 15*th March*, 1870.

MINUTES.]—Select Committee—Prisons and Prison Ministers' Acts, *nominated.*

Report— Parliamentary and Municipal Elections [No. 115].

Supply — *considered in Committee—Resolutions* [March 14] *reported* — Civil Service Estimates.

Ways and Means — *considered in Committee*—Consolidated Fund (£9,564,191 *7s. 2d.*).

Public Bills—*Ordered*—City of London (Parishes, &c.) *; Game Laws Abolition *.

First Reading—Petty Customs (Scotland) Abolition * [72].

Second Reading— Elementary Education [33], *adjourned debate further adjourned.*

IRELAND—OUTRAGES.

QUESTION.

Sir **THOMAS BATESON** said, he wished to ask the Chief Secretary for Ireland, Whether the authorities at Dublin Castle are in possession of information to the effect that Mr. William O'Brien, who was murdered in a more than usually brutal manner in the county of Leitrim in the month of October last, was on the previous Sunday denounced from the altar by the Rev. Mr. Evers, the Roman Catholic priest of Mohill?

Mr. **CHICHESTER FORTESCUE**: Sir, I never heard, officially or otherwise, of the name of this Roman Catholic clergyman till I saw the Notice of the hon. Member on the Paper. Since then I have made inquiries from the police in the neighbourhood, and my information from them is that no occurrence which can be described in the terms of the question took place. There was nothing in the nature of a denunciation of Mr. O'Brien made by this Roman Catholic clergyman; but they say that on some Sunday previous to this lamentable event certain parties in the parish were mentioned by this clergyman in connection with the building of a school-house in the parish. He mentioned those who had assisted in building this school-house by giving the right to obtain stones on their land, and at the same time he said Mr. O'Brien refused to give him any stones from the land, and that, no doubt, was the foundation of the story referred to by the hon. Baronet.

SCOTLAND—SHERIFFS.—QUESTION.

MR. MILLER said, he would beg to ask the Secretary of State for the Home Department, Whether in the late appointment of Sheriff of the counties of Berwick and Haddington, any condition has been made to the effect that the Sheriff appointed shall not be entitled to any compensation in the event of his office being abolished by Parliament, when the question of the Sheriff Courts comes to be considered in the Report of the Royal Commission to inquire into the Scotch Law Courts; and, whether it is the intention of Government to fill up the office of Sheriff vacant in the county of Kincardine and in the county of Orkney and Shetland, or to extend the jurisdiction of the Sheriffs of the adjacent counties so as to embrace the vacant counties?

MR. BRUCE said, in answer to the Questions of the hon. Member, he had to state that, in the late appointment of sheriff of the counties of Berwick and Haddington, no condition had been made that the sheriff should not be entitled to compensation in the event of his office being abolished by Parliament. The gentleman so appointed had been transferred from the sheriffdom of Kincardine. It was the intention of the Government to unite the sheriffdoms of Kincardine and Aberdeen, but no resolution had yet been come to as to those of Orkney and Shetland.

DANGEROUS EXHIBITIONS.

QUESTION.

DR. LUSH said, he would beg to ask the Secretary of State for the Home Department, If his attention has been drawn to an article in "The Daily News" of the 12th instant, describing an exhibition in which a child of tender years is carried strapped to the back of a female performer along a lofty tight-rope, to the endangering of both lives; and, if he proposes to take steps to prevent such an exhibition for the future?

MR. BRUCE: My attention, Sir, was drawn to the matter by the Chief Commissioner of Police, and the proprietors of the exhibition immediately acceded to a suggestion of the Chief Commissioner, and the child who was exhibited by the female performer has not since taken any share in the exhibition. With respect to the remaining part of the performance, every care will be taken to make it as little perilous as possible.

ARMY—SNIDER RIFLES.—QUESTION.

COLONEL BRISE said, he would beg to ask the Secretary of State for War, Upon what principle of selection it is intended to distribute the 25,000 Snider Rifles to the different Militia Regiments, as adverted to in his Speech upon introduction of the Army Estimates; and whether they will all be issued before the annual training?

MR. CARDWELL replied, that the rifles would be ready in time to be served to the various regiments before they went out for training, and that they would be issued in the first place to the regiments that had served in the Mediterranean; secondly, to those which had been twice, and, thirdly, to those which had been once, embodied.

MALE SERVANT DUTY.

QUESTION.

SIR HARRY VERNEY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether a shopkeeper keeping an errand boy who took out parcels, and who cleaned shoes and knives, was liable to duty for keeping a male servant; also, whether poor men out of employ, or schoolboys who were in the habit of going from house to house between school hours, cleaning shoes and doing odd jobs and errands, rendered their employers liable to the Male Servant Duty, so that if one boy cleaned the shoes of four masters, all four were liable to the Duty?

THE CHANCELLOR OF THE EXCHEQUER: The first boy certainly would make his master liable to duty; the second would not.

ELEMENTARY EDUCATION BILL.

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

[BILL 33.] SECOND READING.

ADJOURNED DEBATE. [SECOND NIGHT.]

Order read, for resuming Adjourned Debate on Amendment proposed to Question [14th March], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities,"—(*Mr. Dixon,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

MR. WINTERBOTHAM *: Every day that has passed since the introduction of this measure has increased my regret that the Government has undertaken to deal with the question of popular education this year. The subject is indeed of transcendent importance. And we have never had, and are not likely to have, a Government or an Education Minister better qualified to deal with it. But the satisfactory settlement of this great subject needs more than the capacity of a Minister, however able and devoted, more than the general confidence of the people. It needs the intelligent co-operation of the people themselves. And the mistake I think the Government have committed is, that they have undertaken to deal with it without first ascertaining the wishes of the people on a subject that so deeply concerns them. For this is no question, like the Irish Land, on which the English people were necessarily and profoundly ignorant, and are therefore willing, with their representatives, to follow almost blindly the leadership of a Minister whom we trust. The question of popular education is of a very different character. It is homely in every sense. It touches the home life of every cottage in the land, and that not indirectly and insensibly, but directly and palpably. By this measure the State goes into every family, imposes new duties on the parent, or declares and enforces duties of which the parent was before unconscious. It interferes with parental rights and responsibilities; it forbids to the parent the earnings of the child; it imposes a tax instead; it organizes society for purposes and in a manner to which we as a people have never been accustomed; finally, it touches, and in some cases grates harshly against, the religious convictions, or, if you will, the prejudices, of large classes of the community. In saying this I have not condemned the measure. These incidents, except the last, may be inevitable in all legislation on the subject. This measure may be wise and good, and even necessary. But I say it is not a task to be lightly or hastily undertaken; above all, it is not a task to be undertaken without the full and intelligent assent of the people. Have you got this? I think not. It is unreasonable to expect the people to accept your measure in confidence, and wait until experience has proved its beneficial results. The people have a right to be consulted. They must have thought out the subject for themselves by discussion and argument, on the platform and in the Press, and in the workshops, the clubs, and the homes of the poor; the Government might well have been content to take the conclusions thus come to and embody them in appropriate legislation. This might have been a less brilliant course; but it would have been more just, more wise, and more safe. For not only is the question homely in that it touches every home; but it is homely, I say it with confidence, in that it is fairly within the reach of every intelligent man and woman, who will consider it to form an opinion upon it; aye, and a sounder one in some respects than any statesman is likely to form for them; for it rests upon broad and easily intelligible principles. Now, I ask the House—Is the country prepared for this measure? Is it prepared for the taxation it will necessitate, for the institution throughout the country of Boards, with power to compel the attendance of all children at school under penalty of fine and imprisonment—and this, as the Bill oddly provides, only in the most backward districts, where it will most conflict with the habits of the people? Sir, I do not condemn this taxation or this compulsion. I approve both. But, I ask, are the people prepared for them? Twelve months ago—aye, six months ago—the question of popular education was the monopoly of philanthropists, and the eagerness with which their rival schemes were debated among themselves concealed from them, I am satisfied, the apathy of the great body of the people to the whole question. It would be unprofitable for the present purpose to inquire into the causes of that apathy. It has never been otherwise. The people could not rouse themselves. Ignorance made them indifferent, and indifference left them ignorant. And few cared to stir them. The philanthropists I have referred to, to whose efforts we owe whatever popular education exists, have not succeeded, they will themselves admit, in rousing the people to care for their own education; and what Lord Brougham said in 1825 remains true—

> "The people themselves must be the great agents in accomplishing the work of their own instruction. Unless they deeply feel the usefulness of knowledge and resolve to make some sacrifices for the acquisition of it, there can be no reasonable prospect of this grand object being attained."

Perhaps it would not be charitable to inquire too closely into all the motives which may have led the upper and middle classes to interest themselves so suddenly and so largely in the education of the poor. Indeed if the immediate education of our masters is necessary for the safe working of the present Constitution, the present generation of ignorance is quite enough to effect its ruin. But apart from this motive, which would not do much, there is no doubt that the extension of the franchise has quickened our national life, has brought closer together the different classes of the community, has made us see more clearly our mutual dependence, and has led us all to take a deeper interest in the wants and the welfare of the great body of our people. And the high wages, the higher standard of living, and the higher intelligence of the better portion of the working classes have gradually led them to see what a heavy drag upon the resources of the country is popular ignorance. The agitation of the last six months has clearly shown that this portion of the working classes—the artizans—are ready for and earnestly desire a system of national education. They recognize the necessity for the taxation and for the compulsion, and they will welcome both. No one can doubt this who has taken any part in the campaign of the last six months, or has been an attentive and candid observer of it. In all our large towns, and in all centres of manufacturing industry, in fact, wherever the better class of artizans are found, crowded and unanimous meetings have attested this. And I am perfectly satisfied that in another year, by the time this healthy honest agitation had spread through the land, and the patient teaching of the platform and the Press had brought the question home to all the people, the public mind would have worked itself clear upon the subject, and a large, thorough, and comprehensive measure would have been welcomed where the present Bill—which, for the reasons to which I have alluded, is necessarily tentative and imperfect — will be viewed with jealousy, and may even altogether fail in its work. For these reasons I own I regret that Government have not allowed the question to rest this year. Why they did not, I cannot say. A year is not a long time in a nation's life. It is long enough in the present circumstances for public opinion to be formed; and the nation which has tarried so long might well have endured another year's beneficent delay. It may be that the Government thought themselves pledged to attempt legislation on the subject this year; or my right hon. Friend, flushed with his successes last year, may not unnaturally have been eager to try his hand at the larger task. Perhaps, too, he was not altogether satisfied with the tendency of public opinion on the subject, and was anxious to anticipate or divert it by legislation. Those who are interested in the present school system and desire to maintain and even to extend it are naturally friendly to immediate legislation and to this Bill. For if one thing is more clear than another, it is that the current—the growing current—of public opinion is against that system, and in favour of united national education. But for whatever reasons, and with whatever results, Government has brought in a measure and has forced this subject on our attention, and if opinion out-of-doors is yet only partially formed it behoves us all the more if we have clear convictions to speak out. And, first, how comes it that we want a new law at all? All admit we do want it, and that we want it not merely to compel attendance at school—for as to this there is difference of opinion, and I lay it aside for the present—but to provide schools to go to. Can the present system, then, be said to have failed to provide schools? I think not. I wish to be just to it. It never was intended to provide them, and it is unreasonable to expect this of it. Indeed, nothing can be properly said to have been intended by the present system, for it is not a system at all. It was not framed for this purpose. Indeed, it never was framed at all. I say, advisedly, the system of grants of public money, which alone connects the State with popular education, has never been adopted by Parliament as the basis of national education. It has grown up gradually and, if I may so say, unintentionally, receiving the sanction of Parliament only as a temporary makeshift, or at most as an experiment. If anyone doubts this let him read the Report of the Newcastle Commission—

> "From 1839 to the present time the system of annual grants has continued, and their amount has been increased from £30,000 to about £800,000. This arrangement has never been recognized as ultimate or permanent; but has grown up as a sort of compromise between the admitted necessity of promoting popular education and the difficulty of devising any general system for that purpose which would be accepted by the country."

One other significant paragraph from this Report I will read—

> "Nor does the comparative attitude of the body of the people materially diminish the practical difficulty of introducing a comprehensive system, since it is not with the body of the people, but with the founders and supporters of schools, that those who might attempt to introduce it, under the present or any probable circumstances, would have to deal."

And here is the true reason of its continuance: the country was not prepared for—did not demand — perhaps would not have endured—a system of national education. There was no public interest in the question, and therefore the managers of existing schools were the persons to deal with. And we have to deal still with the same persons, and they urge a claim which my right hon. Friend in introducing this Bill seemed to admit, but against which I strongly protest. They say the public faith is pledged to them, that they have been induced to build schools, and partially maintain them by the expectation of public aid, and that therefore it would be a breach of public faith now to withdraw or withhold it. Now I think this is a most dangerous doctrine, and one which the Government would hesitate to apply to any other case. If the present system of voluntary schools, aided by the State, be a wise one, well, let it be defended on its merits. But if it be not, and if it cannot be shown that it is for the public interest that the system should be continued, I deny altogether that any existing school has any, the smallest claim, upon the public purse. When and by whom was this pledge given? Who had power to give it? You offered help to build schools. Schools were built, and you paid what you offered. You offered aid to qualified teachers. Teachers qualified, and you paid them. You changed your plan, you offered payment for each child educated. Children were educated, and you paid what you offered. But where in all this is there any pledge for the continuance of these payments? You have altered from time to time the conditions and modes of your aid, and this without the consent and againt the protest of those who received it. By this very Bill you are altering entirely the conditions of your aid, by abolishing denominational inspection, and insisting on the uniform observance of a Conscience Clause. The noble Lord the Member for Huntingdon (Lord Robert Montagu) complains of this as a breach of faith, and with justice, upon your principles. For if you are bound at all you are bound altogether, and you have no more right to alter the important terms of the contract than to abolish it altogether. Indeed this theory of the faith of the country being pledged to the maintenance of the existing system, which has been urged so confidently and accepted as readily, will not bear a moment's investigation. How does it differ from the case of Maynooth College, or indeed, of the Irish Church? The Church had not received only annual aid dependent on the annual Vote of Parliament, but held, and had held for centuries, the capital of the public property they enjoyed. And in expectation of its continued enjoyment much more had been done and paid and risked than the managers of aided schools have done or paid. Yet that did not prevent your resuming public property when you thought fit; and is it to be said that all schools you have aided have a right to continued support from the State for ever—that the public faith is pledged to this? Sir, I protest against this doctrine as dangerous and unconstitutional. Let the system stand or fall by its own merits. If it be the best, by all means continue it and extend it until a better be found. But if it be at once insufficient, wasteful and cryingly unjust, let it stand condemned. But though I condemn the system, and object to its extension, and though I deny the right of existing schools, on any ground of public faith, to continued support from the State, and would facilitate by all means their absorption into a national system, yet I think on purely utilitarian grounds the continuance of aid to them for the present, and in the meantime, is defensible. I admit, of course, that we have no right to interfere with these schools, or compel them to give up their private and sectarian character and become public elementary schools. And so long as their supporters prefer to keep them on their present footing, I think on the single ground of economy it would be undesirable to abandon or supplant them, provided of course that they are willing so to conduct them as to make them available for the public generally. But I object strongly to any extension of the system. I do not think, indeed, such extension is probable when once the facility of founding public schools out of the rates is understood and felt. But if my condemnation of the system is well founded we ought to give no opportunity for such extension. I object, therefore, to the year's delay which this Bill allows to districts found deficient in school accommodation to supply it on the voluntary system before the provision out of public funds is made obligatory. If, as I expect, nothing is done, then the year is wasted; if under the dread of a school Board and rates a denominational school is forced and struggles into existence, then the year is worse than wasted—it is misused. Now, I will not detain the House with an argument on the faults of the present system. I will barely enumerate its familiar vices. I say it is insufficient; this is admitted, or we should not want this Bill. It is wasteful, for it multiplies schools unnecessarily in the same neighbourhood. It is unequal; it helps those who have wealthy and benevolent neighbours already at hand to help. It neglects those who are in the most need of help. It is unjust as between different religious opinions in the same way; for, while pretending to aid all alike, it really gives its aid almost exclusively to one. I know I shall be told its aid is offered to all on the same conditions, the furnishing voluntary subscriptions. But there is the injustice. You take the sect or Church which already enjoys all the ecclesiastical endowments of the State, which monopolizes all the educational endowments of the country, from the Universities down to the smallest parochial charity school, and which monopolizes besides almost all the other charitable endowments of the country, and which finally includes among its members almost all the wealthiest classes, and to this sect thus favoured you give the whole, or nearly the whole, of the sums voted by Parliament for the aid of education. It is as if the President of the Poor Law Board were to offer relief to every man who could produce a £5 note. You help the wealthiest places and the wealthiest sect. You neglect the poorer places and the less favoured communities. If any one doubts this let him look at the Return in the Civil Service Estimates of last year. Out of £10,000,000 sterling distributed in Parliamentary grants from 1839 to 1868, much more than £6,000,000 has been paid to the Church schools, while £1,600,000 has been given to all other schools, Protestant and Catholic in the country. Add a proportionate share of the £1,000,000 — the cost of central administration —and it will be seen that out of £10,000,000 granted, the Church has received £7,000,000. The system is, therefore, unequal, because it gives most to those who need it least. But I will not pursue this part of the subject further. To the continued aid to existing denominational schools, if they can be rendered available on fair terms to all classes, I consent. To any extension of the system I strongly object. But as I do not think such extension probable, and as my chief objection to the present schools holds still more strongly against the public schools to be founded under this Act, I will pass on to speak of them. This Bill recognizes, as all legislation on the question must recognize, that if the State interfere at all in promoting the education of the people, it should at any rate interfere where its interference is most needed and will do most good. And if I have to speak severely of some provisions of this measure, let me at the outset bear willing testimony to the genius and the courage which has framed it. And in criticizing important points, let it never be forgotten that the Bill has this great excellence, an excellence for which I would forgive much, though not all, in it of which I cannot approve. If this Bill becomes law there will in a short time be a school, and an efficient school, within the reach of every child in the land. Moreover, the principle is admitted, and before we part with the Bill will, I hope, be extended, that the State has the right to interfere, and is even bound to interfere, to prevent the avarice, the indifference, or even the poverty of the parent from shutting out the child from the education which is absolutely essential for the child's own well-being, and without which it will grow up a burden, or worse than a burden, to itself and to society. These are two great steps in advance. They are, indeed, the only essential ones. I recognize them gratefully. If opposition is made to them by any important section of the people, it will not be to the steps themselves that we object, but that in taking them my right hon. Friend has trodden, may I not say trampled, on some of the most deeply-cherished convictions of half the people in the land. Call them prejudices, what you will, they exist, and my right hon. Friend should have remembered that what a philosopher may, if he please, despise, a statesman cannot safely ignore. Everyone must have been touched with respectful sympathy by that part of the speech of my right hon. Friend last night, in which he spoke of his own inability to decide between the claims of different forms of faith to his allegiance. But he must remember that the indecision of a private man should not control his conduct as a statesman. As much wrong and harm is often done by inaction as by a wrong decision. There is a class of mind one meets which calls itself judicial, and will determine nothing without sufficient evidence to hang a man upon. But instead of keeping themselves meantime in suspense, they feel at liberty to ignore what evidence they have, and act or remain inactive without any regard to it. When Squire Shandy wrote his famous book for the education of his son, he was so careful and slow that the book was always a year behind the boy, who meanwhile scrambled up without any education at all. So, to bring the matter home, if you let my partner keep all the partnership property because you cannot very exactly ascertain our shares, you do as much wrong as by the most unjust partition. Now the inaction and indecision of my right hon. Friend, which leaves the decision of a most vital question to local bodies, is fraught with more evil and injustice than any decision at which he or Parliament could arrive. Of what, then, do we complain? I speak especially as a Nonconformist, with some knowledge of their feelings, and some right here to represent their opinions. I know I differ somewhat from my hon. Friend below (Mr. Baines); but my honoured Friend will, I am sure, have the candour to admit that on this point he does not represent the opinions of the Nonconformists. [Mr. BAINES: Hear, hear!] We complain, then, first, that by this Bill the school Board in each district is left to determine the kind of religious instruction to be given in the schools founded by them. We say this is shirking the difficulty, not settling it; that the point ought to be determined by Parliament, and not feebly left to be fought over every year in every parish in the land. We say that thus the Bill as it stands, will be a curse rather than a blessing, an ill-omened messenger of strife and bitterness. We say it will revive the old church rate controversy, only in a worse form. It will arise in towns where Dissent being strong church rates had been disused long before they were abolished. Moreover, the old rate was an old and dying grievance. This is a new and vigorous growth capable of infinite extension. But it is not only the miserable strife we deplore. We foresee its inevitable conclusion, and we protest against it. The result will be this—In the towns either the schools will be unsectarian, or existing denominational schools will divide the rate under Clause 22; in the rural parishes the schools will belong exclusively to the Church of England, and the rate will go under Clause 22 in aid of the present National Schools where they exist—that is, the school remaining as purely a denominational private school as at present, the rates will be in lieu of subscriptions. The provision that if one school in a district is aided, all must be, is a farce; for, in rural parishes, there is only one school, and if there are more there ought not to be. So it comes to this—the denominational system of education which we dislike, and under which we are chafing more and more each year, and which you in vain try to palliate with a Conscience Clause, is to receive an indefinite expansion, all its evils being intensified ten-fold—for the present voluntary school is only aided, and that by the State, but these schools will be supported by public funds; and, instead of a grant, which is distributed —however unjustly—by the Committee of Council, a rate will be levied on every householder and fought over every year, or oftener if need be, in every Vestry. No wonder that this proposal has excited general and growing apprehension and opposition. I implore the Government to consider well before they force such a law through Parliament. I do assure them they could not have devised a surer means for alienating their warmest friends. That the feeling exists, and is growing, they must know, though it may not yet have become articulate. But I am not content merely to state an undeniable fact, that irritation exists, and will grow; that in short the Nonconformists never will submit to this measure. I believe that, sharing the feeling as I do, I can account for and justify it to every candid man who will listen to me. Once for all, I frankly confess—nay, I insist, that it is not merely that we fear the proselytizing teaching of the Church school. This apprehension exists, and is, to a certain extent, well founded, and some think a Conscience Clause is a poor protection against it. Those who offer it do so, I am bound to believe, in good faith, believing and desiring it to be effectual, and I will say at once I believe it can be made so. I think that, except in the case of such a self-convicted fanatic as Archdeacon Denison, a fair Conscience Clause which restricted the religious instruction to a particular time at the commencement and close of the other lessons, and under which attendance on such instruction should be voluntary, would sufficiently protect the children of Dissenters. But why are we not content with this? Well, I will try to explain why. To understand our strong repugnance to these denominational schools the House must patiently bear with me while I show them shortly what is the attitude of Dissent towards the Church, especially in the rural parishes. And to understand this you must consider what is the attitude of the Church to us. I will not take the case—I am happy to think the exceptional case — of a fanatic like the venerable gentleman I have named. I will take an eminent Prelate recently promoted by a Liberal Minister from Oxford to Winchester. He is able and zealous, and is, at least, in his own opinion, a model Prelate and a model Churchman. Now, the spirit in which Dissenters are treated in his diocese, and in all dioceses and parishes similarly administered, is moderately stated by Dr. Wilberforce, in a Charge delivered by him in 1863, which excited some attention at the time, and is again reiterated in his recent farewell Charge to the diocese of Oxford. In both these Charges, deliberately uttered, repeated, and published, he points to beer-houses, Dissent, and over-crowded cottages as the three chief obstacles to the moral and religious progress of the people. Now, Sir, I am not concerned to question the charity or decency of such language in the mouth of a Christian minister. But I put it to every candid man who hears me, as a question strictly pertaining to the question before us—Is it in human nature not to resent this prelatical insolence? And when Dr. Wilberforce goes on to inculcate as a remedy more distinctive Church teaching in the schools, especially infant schools, however absurd this may seem, is it altogether unreasonable in us to be unwilling to send our children to be educated by men who act on such principles? I hasten gladly to admit that there are many exceptions to this state of things. If all your Bishops were Thirlwalls and Temples, and all your clergy likeminded, I think you would hear little of Conscience Clauses, and sectarian animosity would soon die. We could trust such men. But it is useless to conceal the fact that the attitude of the Church towards Dissent is, speaking generally, one of dislike and contempt, varying only in degree from simply ignoring them to petty social persecution. To borrow an illustration from my right hon. Friend's multifarious duties, Dissent, in many rural parishes, is treated like the cattle plague—to be stamped out. Now, I do not wish to blame the clergy for this. I suspect any other body of men—say lawyers—in similar circumstances would do the same. This state of feeling is due to two causes. It is due, no doubt, primarily to the mere existence of an Established Church, intensified as its evils are by the parochial system. The law of the Church and of the land recognizes one man, and one man only, as the authorized religious teacher of the parish; all others are interlopers, trespassers, poachers on his spiritual preserve. And this is further increased by new-fangled Romish doctrines, with which we thought England had long since done, of priestly power and the necessity of episcopal ordination. The pride of office thus produced is contagious, and has spread among those who would repudiate the ecclesiastical theory on which it is based. Side by side with this there has grown up among the Dissenters an ever-increasing impatience of religious inequality, and an ever-deepening hatred of priestcraft and episcopal assumption in all their forms. The habits of independence, self-government, and free thought are growing ever stronger among us, and we cannot brook the assumption of superiority, which, whether in the form of tolerance or of intolerance, is all we generally receive from the clergy of the Established Church. Hence alienation, an absence of co-operation in social and philanthropic objects, a habit of watchful jealousy, a readiness—I confess it—to take offence, sometimes irritation, occasionally even open strife—these are the normal relations of Dissent to the Church in many parishes in the land. You are not responsible for this state of things, at least not directly. My right hon. Friend says he cannot change society. No. But you need not make it worse. What should a statesman do in such a case? He should try to limit the operation of this unhappy sectarian strife, and not add fresh fuel. Multiply neutral subjects; accustom the people of all sects to meet and act together on the only possible footing—that of perfect equality; do not extend sectarian privileges to new spheres of national life and duty. Let one Established Church suffice; do not set up an Establish Church in every school. The right hon. Gentleman the Member for Buckinghamshire tried to persuade us the other night that a relation of dependence was most favourable to the development of kindly feelings. I think Mr. Mill takes a truer view of human nature when he says the society of equals is the best school for moral training. Pity and condescension are welcomed by weakness; yet it remains true that "to be weak is to be miserable;" and that same condescension which is soothing to the weak is an insult to the strong. Sir, the time has come for us when toleration and intolerance are alike intolerable. Let me offer one word of warning—not presumptuously—but let it go for what it is worth. There are many Dissenters—I confess myself one of them—who would see with regret the downfall of the English Church. It is not defensible on grounds of even-handed justice; it has been a cruel stepmother to us in times past. Yet it is venerable in its associations; with all its faults it is doing good work among the people. Do not drive us all to be its foes by showing us how hard it is to limit the operation of a principle of injustice once admitted. Take warning from history. No one will think me guilty of the absurdity of comparing the Established Church as a political institution with slavery. But their fate here and in America may not be unlike. Slavery might have continued to this hour, unjust and evil as it was, had it been content to remain as it was; but when it insisted on disputing with freedom the possession of new lands, and sought to extend its blight, it aroused a resistance which sealed its doom. In your Church—as in all that man has made or marred—there are tares growing with the wheat, and some would rashly pluck them out. Nay; let both grow together till the harvest. But if you insist on scattering the pernicious seed broadcast over this new-turned soil of national education, you leave us no alternative but to seek to destroy it altogether. We object then to denominational schools. We are no separatists, as we are falsely called. We do not ask for separate schools. We want united national education; we want our patriotism and our national sympathies, if not our Christianity, to overflow the narrow limits of sects. What is the logical alternative? I avow it frankly—secular education. A national system of united education for a people who do not agree, or will not admit they agree, in their religious opinions must be secular. I am not afraid of the word, or of the unjust odium which has been thrown on it. It is not irreligious, as my right hon. Friend said, unless the instruction you offer us under your Concience Clause is irreligious. It is not atheistic, as Dr. Magee dared to call it, unless the instruction you offer us under your Conscience Clause is atheistic. It is hardly fair to call to account a man who is at once a rhetorical Irishman and a Bishop, and enjoys their accumulated license to use strong language, but I may ask by what right he dares to brand as atheists not only those Nonconformists in England who wish for secular schools, but the majority, if not now the whole of the Bishops and clergy of his own Church—I beg pardon, I mean the Church he has left in Ireland. Here is the declaration signed in 1866, before disestablishment was thought of, by the Primate and one-half of the Bishops and clergy of the Irish Church—

> "We, the undersigned, members of the United Church of England and Ireland, desire to express our earnest hope that the principle of united seculiar education, as opposed to the denominational system, may be maintained in Ireland."

And now that their circumstances are so altered and they have to support their own ministry and care for small and scattered flocks, will their opinions be changed? No Sir, united secular education is essential to the protection of the rights of the Protestant people in Ireland, and they know it well. Do not let us deceive ourselves in this matter. One great objection to the consideration of the education question this year, is that we are obliged to consider it piece-meal. A Royal Commission on education in Ireland is now sitting, but its Report is not yet before us. We know enough, however, to see that the Ultramontane hierarchy there are making exorbitant demands for the entire and unchecked control of the whole education of the country, the State reserving only the privilege of paying the whole expense. The Secretary for Ireland is supposed, rightly or wrongly, to favour these pretensions. Now, let there be no mistake on this point. I would rather pass that door and never enter it again, than vote for such a scheme. Justice we have done, and are ready to do, to our Roman Catholic fellow-subjects. We will claim for them the fullest liberty and equality we claim for ourselves; but we will never be a party to handing over the education of the people to the Catholic or any other clergy. If this statement, supported as I know it will be, by the overwhelming weight of public opinion in the country, seem premature, that is not our fault, but the fault of those who have forced the subject on our discussion this year. You cannot separate the two cases. If you recognize and establish a system of sectarian education in England, you cannot refuse it to the Roman Catholic Bishops in Ireland. It is easy to say Ireland must be treated, and is being treated, differently to England, and on principles peculiar to itself. I admit it. But how, if the reasons which you say necessitate denominational education in England exist in ten-fold strength in Ireland? If we Protestants of England cannot agree on a united system, how can we expect the Catholics and Protestants of Ireland to do so? I have spoken of the unhappy differences between Church and Dissent in England, but what are these compared to the long and bitter feuds of Catholics and Protestants in Ireland? You cannot avoid the conclusion. If you will insist on denominational education under the clergy here, you must have denominational education under the priests there. And accordingly the Catholics in England consistently support denominational education. But I appeal to the Protestants of Ireland in this matter. I long for the day which from the moment the Irish Church was disestablished I knew must come, when the alliance between Liberalism and Ultramontanism — seen here alone (save Poland) in the civilized world—shall be dissolved, and the Protestants of Ireland shall be as they ought to be, the van of Liberalism in that country. The noblest system of education ever devised, is the system sketched in Lord Derby's famous letter in 1831, and realized in the model schools and the vested National Schools of Ireland. It was just, it was statesmanlike. In Ireland, therefore, it has of course incurred the hostility of bigots of all sorts. But it has done a great work there, and in spite of the calumnies of foes, and the weakness and treachery of those who should have been its friends, it remains the noblest monument of statemanship in Ireland. It is united secular education. It does not disparage or interfere with religious teaching; it leaves that to the pastors of the different Churches, to the home, and to the Sunday school. These can best bring it home to the hearts of the poor. Give us that system here. It will do something to hush the strife of sects. At least it will banish it from the schools; and I never will believe that the honest teaching of sound secular knowledge can be hostile or otherwise than helpful to religion. You do not believe it yourselves, or what means your Conscience Clause? I have tried to be plain with the House. In return, let us have a plain answer to this question—Is it, or is it not, possible to separate the religious from the secular instruction? If it is not, what is your Conscience Clause, but a sham? If it is, that is all I ask in asking for the Irish secular system. But then it is said, even when religious instruction is not given it is desirable to have a religious teacher. The tone of the school is the great thing. I grant it. But why should secular schools have an irreligious teacher? And are all the teachers in your schools religious men? I know well you may have religious instruction without a religious teacher, and you may have a religious teacher without religious instruction. I suppose, other things being equal, a religious man will be a better teacher, as he will be a better shoemaker or legislator, than another man, because he will be more faithful in his work, "as ever in the great Taskmaster's eye." But the motives of a man are not the same thing as his intentions. And a secular education given for its own sake, will be better than if it be given with an ulterior purpose. There is nothing in a secular school which should render it hostile to religious teaching, and there is no reason in the world why as good men and women should not be found teaching in secular schools as in denominational schools, exercising all the humanizing influence of a wise and kindly Christian character. And to those who fear that the more direct religious instruction of children in these schools would be neglected, I point to the real source of whatever religious knowledge the poor possess—our Sunday schools. Why, even now these Sunday schools attract a vastly greater number of children than all your schools put together; and what would they not become if, instead of being devoted as now to drumming into stupid heads the veriest elements of knowledge, the children came trained and sharpened by the secular instruction and moral training and habits of the day school? I have thus tried to express to the House what I believe are the feelings of the Protestant Dissenters on this subject. I say their feelings, because I admit at once that they have not yet had time to work out their feeling to its conclusion. I have some grounds for the conviction that they are coming, and will come, to the conclusion at which I have pointed, and which most of their leaders have already fully accepted—I mean the entire separation of religious teaching from the instruction given in public elementary schools. One word in reference to that part of the speech of my right hon. Friend last night in which he referred to the Bible. I cannot bear to discuss these sacred subjects in the House of Commons. But my right hon. Friend, though I am sure he intended to do nothing unfair, yet did try to obtain for his view of the question an advantage to which he is not entitled. It is strange to hear that the Protestant Dissenters are indifferent to the Bible. It is our only Book; no Creed, Catechism, or Liturgy is its rival. It is our only authority; no Pope, Bishops, or Privy Council may interpret or override its dictates. Now I appeal, before sitting down, to my right hon. Friend at the head of the Government. The Dissenters are half the people in the land; they are more than half the Liberal party. We have done that party and this Government good yeoman service in the last few years. We have not been cold or grudging in that service. We have asked of my right hon. Friend nothing in return but to be treated as well as his foes. Our differences on this point will not affect our general support of the Government. We think it is the best Government England ever had, and no change is likely to give us a better: our allegiance, then, is secure. You know it. The wrong can be committed with impunity; but not on that account—assuredly, not on that account—will the injustice be less keenly felt, or less bitterly remembered.

LORD ROBERT MONTAGU said, that the speech of the Vice President of the Council was remarkable for its fervour and sincerity; and although he had confessed that he was not a member of the Church of England, his speech exhibited great fairness towards the Church. But the hon. Gentleman who had just sat down had treated this not as a question of education, but as a question between the Church and Dissent. The hon. Gentleman seemed to have forgotten that they had an Education Bill now before them, and spoke as if they were dealing with a Bill for the disestablishment of the Church of England. If his object really was to extend education, let him consider what the Church, as the means, had accomplished for the country. The late Report on the state of education in four of our great towns had showed that the Church had done nearly everything there. It had established good schools, and carried them on quietly and unostentatiously for years. If anyone desired to know which religious body was the most earnest in the cause of education, let him consult any one of the Reports of the Committee of Council, and he would see how Churchmen had laboured, what large sums they had expended, and how many schools they maintained. If the hon. Gentleman really desired education to spread, he ought, therefore, rather to thank the Church than to attack her by a side blow. But his speech evinced hostility to the Church and not love for education. The hon. Gentleman sought also to create a prejudice in their minds by alluding to Ireland; his argument was that they must not do one thing this year, lest they might, in another year, have to do something else; do not do good this year, lest you be asked to do something next year which may be good or may be bad. That was entirely irrelevant, and no argument at all on the question before them. Last year, those who urged the House not to agree to the Bill for the disestablishment of the Irish Church, lest it might be followed by a Bill to disestablish the Church in England, were told that their reasoning was unsound, and that the two countries were totally different, and that the one Bill was not a necessary effect of the other. For if such an effect had been admitted, the Opposition would at once have urged the maxim—*Quicquid facit tale est magis tale.* Again, this year, when a similar inference was drawn from the introduction of the Irish Land Bill, the answer was, that the circumstances of England and Ireland were wholly dissimilar, so that not even an argument from analogy could hold good. What right, then, had the hon. Member to argue that because they had denominational education in England they must, therefore, in another year, establish it also in Ireland? The truth was that the denominational system had existed for many years in this country, while the system established in Ireland, although theoretically undenominational, was, in practice, strictly denominational. The Vice President, in his speech last evening, had said that, besides the mode of dealing with the religious difficulty which was contained in the Bill, there were three possible modes of dealing with it. Religion might, he said, be prescribed by the Government, or be prescribed by Act of Parliament, or else proscribed and forbidden by law. In other words, the Vice President asserted—correctly, he thought—that there were four ways, and only four ways of dealing with the religious part of the question. The Vice President then proceeded by the process of exhaustion; rejecting three modes, he fell back on the mode which was worked out in the Bill. Now, an argument by exhaustion was no proof unless it was really exhaustive; to prove one case, you must fully disprove all other possible cases. It would be well, therefore, to consider his argument a little more closely. He would prefer to state the four possible cases in the following words:—First, they might, by Act of Parliament, enforce the teaching of one religion in all the schools; or, secondly, they might, by Act of Parliament, exclude it from all the schools; thirdly, they might leave the Government of the day to decide what religious instruction should be given in each school; or, fourthly, they might leave it to be decided by the Local Boards, as proposed in the Bill before them. For the sake of convenience, he would group the first pair of alternatives, and distinguish them as belonging to the theory of uniformity; while the latter pair he would treat as belonging to a plan of adaptation. On these two kinds, he would offer the following general remarks:—The theory of uniformity was more illiberal, and more oppressive than the plan of adaptation. The theory of uniformity consisted in enforcing one particular kind of religious instruction, or else in excluding it, by a ukase of Parliament. This was illiberal; because Parliament would thus step in between man's Maker and his conscience, and attempt to overrule the conscientious objections of the individual; it would ignore, or rather crush down all local varieties and individual determinations. The Greeks had a habit, perhaps, for convenience to the memory, of symbolizing all their maxims of life. The tendency to run after uniformity found a place in their symbolism. This illiberal spirit was portrayed as a giant robber, who seized on the wayfarers in the region of politics or philosophy, and cut or stretched them all to the length of his own bed. Thus, the lovers of uniformity in education, by a Procrustean process, insisted on cutting down or stretching every school to one rigid uniform measure. The hon. Member for Birmingham (Mr. Dixon) evinced this spirit when he said that to be a Churchman would be a disqualification in the eyes of the Liberal party. The Schools' Inquiry Commission proceeded on the other theory, and took a much more free and liberal view of the question. In their Report, they said—

> "Further it may be observed, the one good thing that results from the present unsystematic state of education in this country is great variety of type. The one thing in which we have an advantage over Prussia, for instance, is that our schools are not moulded into the sort of mechanical uniformity which is, perhaps, the chief defect in the Prussian system. Nor is this by any means a small gain. There is something consonant to our character in allowing all kinds of excellence a fair field to show themselves; and, in this way, much true energy, that would be repressed, and, perhaps, killed in a more uniform system, gets fair play."—[P. 477.]

Again, they said—

> "The needs of the different parts of England are so different that a uniform re-organization of all the schools of the country is hardly possible, nor, if possible, does it seem to be expedient."—[P. 579.]

Coming to the plan of adaptation, he asserted that, by leaving the decision to the Government of the day, they actually gave more freedom than by leaving it to the local Boards. He would put it as a paradox, and say that it would be more in accordance with the principle of local government to leave to the Government of the day the decision as to what religious instruction should be given in each school, than to leave it to the decision of the local Boards. This would be plain, when it was remembered that as the area of a government is increased, the government becomes less local, varieties are crushed into uniformity, and therefore there is less freedom. If a municipality may issue a ukase, all varieties in the town must submit. But if 500 sets of managers in the town may each choose their own type of school there would be more freedom. Take, for example, the town of Birmingham, where there was a great variety of different sects. If the municipality determined what or whether any religion should be taught in all the schools, was it not plain that the freedom of individuals would be extinguished? On the other hand, if the matter were determined by the Government of the day, it would be virtually put into the hands of those who built and established the schools—that was to say, the managers. The managers now asked that a school might be established of a particular religion, or, say, a secular school. The Privy Council, in accordance with the Revised Code, considered whether such a school would be suitable for those whom it was intended to benefit. If so, they constituted, by one of the model deeds, a school of that character. If it would not be suitable for the poor who would attend it, they refused, and gave the managers another of the draft deeds; and these draft deeds determined both the management and the religious instruction. By that method more liberty was given to the individual, and more room for varieties of type than if the local Board were empowered to force one particular religious instruction on the people of their town. He passed now to the special consideration of each of the four kinds. First, to enforce any particular religious teaching by Act of Parliament; this was out of date. In the good old days, when there was one Church, and one faith, this was the type of the love of uniformity. As the Vice President had offered no argument either for or against this plan, it might be dismissed from further consideration. Secondly, there was the secular system, or the plan of excluding all religious instruction from every school by Act of Parliament. In these days, when no Church was believed in, and no faith was accepted, that was the way in which persons evinced their desire for uniformity. The hon. Member for Birmingham had said that "in schools aided by rates the teaching ought to be unsectarian and even secular"; he added that "he did not ask for secular education now," meaning, no doubt, that he would ask for it very soon; he then explained unsectarian teaching as "a teaching which excluded all Christian dogmas and tenets, but not Christian precepts; while secular education excluded all Christian dogmas, tenets and precepts;" whereby the hon. Member thought they would be likely to "secure more Christian harmony." The harmony so produced would be the harmony in a congregation of the dead, where certainly there was a somnolent peace on earth and no ill-will towards men. The hon. Gentlemen told them that "even permission to read the Bible would lead to contests and quarrels between the various sects"; and he illustrated that by saying that some of the boys would be called the Bible boys, and others the non-Bible boys. He then gave a lively description of the manner in which they would issue into the playground to pelt each other with stones; while the ammunition would be gathered and assiduously furnished to each of the contending parties by the Bible girls and the non-Bible girls respectively. He thought he might sum up the hon. Gentleman's speech by saying that he spoke in the character of a non-Bible boy. There were some other points in the same speech, and in the two other speeches from the same side, to which he must allude. It had been said that "rates should not be applied to denominational schools." But was it not exactly the same thing, in this respect, whether denominational schools were supported by rates or out of the Consolidated Fund? What did it matter to him, if he paid the money at all, whether he paid it through the rate collector or the tax gatherer? The denominational school would be equally supported by his money. To use such an argument was therefore equivalent to an assertion that all public education should be secular. But that was the very point upon which they took issue; it was not an argument in favour of that assertion. The hon. Gentleman who had just sat down had said—"Let us inculcate the neutral subjects on which we are all agreed; let us teach what belongs to our common Christianity." He, for his part, was unable to conceive a substantial truth—an objective reality which was common to all opinions about it. Truth is there, and it has to be known; just as there is a right which has to be done. Again, religion does not belong to one day or to one time more than another. Why then was it not proposed to have this common Christianity taught on Sundays, as well as on week days? If it was possible to explain the tenets of a common Christianity in the schools, why not have a common worship on Sunday in our churches? If the principles of a common Christianity were good for the one they should be good for the other. At all events the State would be unable to define, with the dogmatic infallibility of an Œcumenical Council, what were the tenets of our common Christianity, until some one had written a *Theologia,* not *moralis,* but *generalis,* excluding all special religions, but proclaiming the new Gospel of a *Caput mortuum* of belief. The hon. Gentleman who had just sat down had said that his objection to religious teaching was that "it caused strife"; that it did not bring peace, but the sword. He seemed to think that strife was a bad thing, and that unity was a better thing. Strife arose from persons standing up stoutly for their opinions. Was that a bad thing? Political strife arose when persons were stiff in their opinions on political subjects. Yet, in politics, if a Member was wavering, if he was what was called "shaky," if he did not support his party, he gained credit neither with the House nor the country. A "Cavite" is already a term of reproach. So also religious strife arose when persons asserted their own opinions on religious matters. Was that bad? The martyrs had been sanctified or declared to be saints or holy men. The Seven Bishops had been lauded. The Scotch Presbyterians had endured the boot and the thumbscrew, and had gained their meed of applause. Therefore strife was not always a bad thing. Certainly religious education, even with strife, seemed better than the exclusion of religion from the schools in order that there might be that peace which reigns in the Shades of Hades. All these arguments about strife, and about dogmas, were shallow, and did not go below the superficial appearances of things. Every proposition which asserted a general truth, and therefore every proposition which could influence a man's character or determine his conduct, must necessarily be dogmatic.

It must be so, because it must exclude the general contrary proposition and all the particular contradictory propositions. Religious platitudes, on the other hand, and lukewarm-water moralities, could not stir up strife, for they were not worthy of dissent, and must be spued out of the mouth. The exacerbated antagonisms of religious tenets were far preferable to the lukewarm notions of a common Christianity. There was one virus in all those propositions for secular education. They came from a feverish thirst for theory, and not from an endeavour after any good in practice. Those propositions with respect to secular education were based on an abstract view of the condition of the large towns. The large towns contained many sects, and therefore it was contended that religion should be excluded from the schools. That was an abstract theory; for on closer examination it would be seen that it did not apply. In large towns the population was dense; there must therefore be several schools within easy reach of each other; and it was as easy to have one school for each sect as to have several schools for all sects. The hon. Gentleman who had last spoken had said that one of the evils of denominational education was that it caused "a multiplication of schools." But he had not heard in that debate that there were too many schools throughout the kingdom, certainly not in the large towns. There could, moreover, not be too many schools, except in regard to expense; and the objection could be urged only by one who valued money more than a sound education. Neither did the theory apply to the rural parishes; because, as everyone was aware, in them the denominational system was more easily carried out. The Vice President of the Committee of Council, indeed, exclaimed that "if in country parishes we drove out the clergy from the schools, it would be fatal to the education of the country." The Vice President also truly said that there was "nothing real in the religious difficulty; because that the children at the schools were too young to imbibe doctrines." There was therefore no ground for excluding denominational religious teaching from the schools. There was, however, very good ground for including religious teaching in the school instruction. For, let this be considered—How could any moral impression be produced by teaching reading, writing, and arithmetic, or any other secular subject? But a moral impression was produced by the daily lesson on a parable or New Testament story. Though a child could not imbibe dogmas, he could contemplate a Bible event as a picture, and be influenced by corresponding feelings, and accept the words of our Saviour and use them as maxims through life. But the hon. Member for Birmingham and his two supporters had said, "Let us have a separation of religious and secular teaching." The unfortunate phrase of a "pervasive religious teaching," first used he believed by Lord Russell, in 1856—had given rise to the notion that there were two things which could be separated. He would not argue the point; he would ask every father what was his own practice? Did not every intelligent parent watch the first signs of evil tempers in his child? Did he not consider it far more urgent to cure the child of these incipient mental diseases, than to teach him the "three R's," which may, indeed, include rascality? Did he not know that it was no injury to defer the teaching of reading, writing, and arithmetic until the child was seven years old; because he would then learn in six months what he before would have taken three years to compass? And did he not also know that if he deferred the correction of an evil temper, it would become too strong for him to master? And how did every father attempt to cure evil tempers? He knew that a young child was far more open to reason than an older child, if he proceeded on purely religious grounds, which appealed to the feelings and not to the understanding; that he was far more impressible with Bible stories. Was not this a strong reason against banishing religious instruction at any time from schools? But what they had to guard against was proselytizing or disturbing or unsettling religious belief; and why? Because religious belief was so valuable that they must not imperil it; they must not run the risk of exchanging it for unbelief. Well; but this was the contrary to the elimination of religious teaching from the schools for the poor. The hon. Member for Birmingham had said—whether at the end of a quotation or using his own words he did not know—that he would "throw on the parents the religious teaching of their children." But he would ask, on what grounds did the House deal with this question at all? Was it not because there was a certain residuum in the country who did not send their children to the schools? But the hon. Member had further said at Birmingham that "the reason why those persons did not send their children to the schools was their hatred of denominational education." But if there was that hatred, was it to be supposed that those people would of themselves give religious education to their children? He need not remind the House that if an education was religious, it must be according to some species or denomination of religion. Now, would those who hated religion give religious instruction to their children? Would not the admitted ignorance of this residuum prevent their doing so? Would they even admit the clergyman into their houses to give that religious education? If not, why forbid the religious education of 2,000,000 children, in order to give a secular education to a few pickpockets and infant burglars? The hon. Gentleman the Seconder of the Amendment, and the hon. Gentleman who had just sat down, had asked—"Can they not go to the Sunday schools?" Now, in America there were more Sunday schools than in any country in the world, and more persons went to them; and yet in all the reports on those schools, and in the reports on the common schools, were to be seen complaints of the growth of vice and irreligion. Mr. Tremenheere, in his work in 1852, had said—

> "The want of religious teaching in the United States schools on week days is not compensated on Sundays."

Mr. Mann, in his Report in the Education Census of 1851, page 71, said—

> "Unquestionably, most of the four or five millions who are constantly away from public worship must have passed through the Sunday school."

The Rev. Erskine Clarke, in his paper read at the Manchester Church Congress (Report, p. 287), remarked—

> "If our Sunday schools yielded results adequate to the pains bestowed upon them, our churches (even increased in numbers as they are) would be too strait to hold the young and middle-aged who, having passed through our Sunday schools, would crowd to them for worship."

And Mr. Horner, in the Commissioners' Report, v., 262, in order to remedy the evil, proposed to—

> "Do away with the cruel 'penal servitude' of the poor children attending the long Church services twice a day after Sunday school."

He thought he might say that Sunday schools did more harm than good. And why? A child had to go to one of them in the morning for an hour, which was a great tax on his attention. Then he had to attend a long religious service, which was a further tax on his attention; and then he was perhaps catechised in church, and afterwards attended the afternoon or evening service. The result was that, as in the Report of the Duke of Newcastle's Commission, attendance at the Sunday school was spoken of as a kind of "penal servitude." And what did the Dean of Carlisle say on this subject? He gave this evidence before the Royal Commission of 1861—

> "I firmly believe that the subsequent irreligion of so many who have been through our schools is to be traced to the injudicious amount and quality of the whole Sabbath Day instruction. Sunday, instead of being a day of rest and relaxation, is the heaviest and dullest day of the seven to the poor children."—[*The Dean of Carlisle, Report of Royal Commissioners*, 1868, vol. v., p. 124.]

Wherever the day school fulfilled its duty, the Sunday school was unnecessary, and the Sunday might be a day of rest; but where the Sunday school turned this day of rest into a day of excessive labour and wearying attention, then the remembrance of this wretchedness made the child afterwards hate religion. The third mode of dealing with the religious difficulty was to leave it to the Government of the day to determine what religious instruction should be given in each school. This was the present system; for the Privy Council now determined the kind of school which would be suitable for the population for whom it was intended. He had a little word of praise to say for the present system, and he hoped it was not a panegyric over the dead. At present, as everyone knew, those who subscribed to establish a school wrote to the Privy Council stating that they proposed to build a school, and that such and such religious instruction should be given. The Privy Council thereupon sent down one of the draft deeds of management, which determined, in accordance with the proposal of the subscribers, the management and religious instruction of the school; so that practically it was the will of the locality that decided what the religious instruction of the school should be. He confessed that he thought that this was the best system. Yet he would not oppose the second reading of the Bill; and why? Because there were a few points of detail in the Bill which might be altered and improved, and then the Bill would become similar to the present system. Even as it stood it was a tribute to the denominational system—an intentional tribute—else the Government would have proceeded to demolish it, instead of fostering and preserving it. The year's grace was given in order that the religious bodies might bestir themselves, and perhaps succeed before the year had elapsed in accomplishing the work which had to be done; in addition to this the existing denominational schools might be preserved as such under the Bill. They had often been asked whether, if there were a *tabula rasa*, if there were no system of education in existence, they would establish one similar to that which was now in existence? To this question he boldly replied in the affirmative. In 1839 the country was a *tabula rasa;* no system of education then existed; yet Lord John Russell proposed, and Sir Robert Peel and Lord Lansdowne assisted him, to establish the system that had lasted ever since. Their object was the same as the aim which was now entertained—namely, to make good citizens, to raise the character of the nation. On what principles did they proceed? They said that it was not for the State to pretend to judge between religions; it was not for the State to decide what religion was true; it was not for the State to interfere between a man and his Maker. Yet they knew full well, and boldly proclaimed that good citizens could not be produced, except by a religious education. They said, therefore, to religious men—"Do you educate all the children belonging to your congregations; we know that you will teach them that which we and you consider to be the most valuable part of education; we will, therefore, examine the children in secular subjects only, and pay you accordingly; for their proficiency in these will be a test, and will prove their greater proficiency in that which you regard as a higher learning." That these were the opinions of Sir Robert Peel was shown by his speech in the House on the 12th of February, 1839. He said—

> "I, for one, am deeply convinced of the absolute necessity and of the moral obligation of providing for the education of the people. But I am, at the same time, perfectly convinced that that can only be effectually done in this country, where so much religious dissent prevails, and that it is infinitely more likely to be done without disturbing the good understanding and the existing harmony between the professors of different faiths, by leaving it to the voluntary exertions of the parties themselves, and by permitting each to educate his children, as he at present is at liberty to do, in the principles of that faith in which they were born."—[3 *Hansard*, cxi. 309.]

If, then, the House would have established this system when there was a *tabula rasa,* much more should they maintain it now that it had overspread the whole country, and left, he believed, little educational destitution to be found; now that it was advancing rapidly year by year, adding yearly 1,000 to the number of schools, and 136,000 to the number of scholars receiving instruction therein. Let them shrink, then, from a general cataclysm of the present system, in order to square everything to a theory of uniformity. The hon. Member for Stroud had stated that "the present system had not covered the country with schools." Perhaps not entirely, but it had very nearly accomplished this; and it would have done so entirely if a sufficient sum had been voted by Parliament in the year 1840. He did not blame the House of Commons of that day for not doing so; because a sudden expenditure of £10,000,000 would have been an enormous burden to lay upon one generation for the good of another. Moreover, little good was done if education was forced on by compulsion, before it was appreciated by the people. This argument, however, did not touch the principle of the present system of education; it was directed entirely to a question of the rate of progress. If a quicker progress was all that was desired, let them immediately revert to the more liberal grants which were given before the crooked parsimonious policy of 1862 was inaugurated, and not defer the advance of education, nor overturn the present system. The Bill now before the House was proposed in order to accelerate the rate at which education was now progressing in this country, by merely supplementing the existing system. To a great extent he believed that it would leave much of the present system intact; but, wherever the Bill came into operation, it would set up the fourth mode of dealing with the religious difficulty. It would devolve upon local Boards the duty of determining what religious instruction should be given in all the schools within their district; or of determining whether any religious instruction should be given in the schools. The Vice President had stated that the principle of his measure consisted in "relying on the radical principle — namely, an implicit belief in municipal government, or a government elected by the ratepayers." He thought very few persons who had any knowledge of the way in which municipal business was conducted, particularly in small towns, or of the class of men returned as representatives by certain sections of the ratepayers, would rely upon municipal government, or believe in the guidance of those who were elected by ratepayers. No qualification, even, was required by the Bill for becoming a member of a school Board. Yet, in 1868, the Home Secretary and the present Vice President of the Committee of Council on Education had introduced a Bill in which they proposed a rating qualification of £10 for members of school Boards; but there was no qualification whatever proposed in the present Bill. The Royal Commissioners, it was well known, proposed, on the contrary, that the justices in quarter Sessions should elect six of their number, and that these should elect six other persons. They added (p. 340)—

> "The areas [counties], and the bodies from which these Boards are to be appointed, appear to us the only ones likely to secure a class of local administrators to whom so delicate a subject as education could be safely entrusted."

In addition to this, there were, according to the Bill, to be several different modes of electing the school Boards, varying according to local circumstances. The consideration of these differences might suggest to the Government a means of improving them, or forming a new and better body for the control of education. First: in some rural parishes the school Board was to be elected by the Vestries, or in other words by all who paid rates. The school Board would thus be directly elected. Those who were not considered competent to decide between the two great parties of the State in the election of a Member of Parliament, were considered able to select persons to control such a delicate matter as education. Secondly: in some rural parishes the school Board was to be elected by Select Vestries. In such a parish there would be a double election, or a process of straining; the ratepayers were to elect the Select Vestry, and the Select Vestry were to elect the school Board. The Select Vestry was, in fact, an electoral college for the election of the school Board. A bare majority in the electoral college would, of course, elect all of their own party on the school Board. Thirdly: in boroughs there was also to be a double election; for the Town Council were to elect the school Board, and were themselves elected by the ratepayers. Town councillors, moreover, were persons with a considerable qualification. Fourthly: in the metropolis, in the twenty-three parishes of Schedule A, the school Boards were to be elected by Vestries, who were themselves elected by the ratepayers; but the vestrymen might be required to have a rating qualification of £40 a year; and, moreover, there was a system of voting by scale, every £50 giving an additional vote to the ratepayer, up to six votes. Fifthly: the parishes of Schedule B of the Act of 1844 were lumped into fourteen districts. In each of these the ratepayers elected the Vestries for each parish, with the same scale and qualifications as before; the Vestries in each parish elected a Board for the district; and the district Board was to elect the school Board. There was here a treble election, or a double process of straining; there were two electoral colleges one above the other. In the last two cases, moreover, the type was much raised by the power given to the Poor Law Board under the 30 & 31 *Vict.* c. 6, sec. 49, to nominate justices of the peace and other wealthy persons to sit upon the Boards. The process of election in some cases might, it was true, secure the election of gentlemen of very high character and attainments; but let them consider what the bodies which he had described had actually done. For more than twenty-five years the district Boards in the metropolis had power to build schools and charge them upon the rates; yet they had not done so until they were compelled. The Town Councils in the different municipalities might have enforced what was called "Denison's Act," but they had not done so; and the measure remained to this day a most useless piece of machinery. They might also have carried out the Free Libraries Act, but it had hardly ever been enforced. Then, as to Vestries and Boards of

Guardians, he would point out that recent facts had shown them to be unwilling to burden the rates in order to provide the poor with such necessary things as food and medicine. How, then, was it likely they would burden the rates in order to provide education for the children of the poor? They would not now provide what was necessary to enable the poor to live; still less would they burden the rates in order to add to the grace and sweetness of a poor man's life. But he was told that, under the Bill, the Privy Council could compel. It was true that the Privy Council acquired very great powers over the local school Boards. But, he would ask, would the Privy Council be any better off than the Poor Law Board was? The Poor Law Board had to relinquish their constant endeavour to make Boards of Guardians save paupers' lives; would the Privy Council be successful in forcing Boards of Guardians to provide education for pauper children? Or, if the Vice President had found out a more excellent way, then it was criminal not to impart it at once to the President of the Poor Law Board; for every day's delay was death to the paupers. The Guardians would, moreover, have a very good excuse for not establishing schools under the Bill, inasmuch as there was not an adequate supply of masters; and without a master, the school-house would remain idle. Ever since the Revised Code had been passed, there had been an inadequate supply of properly trained masters, even for the ordinary needs of the year; how much more would there be a lack for the extraordinary needs under the Bill? The Rev. W. Gover, Principal of Worcester, Lichfield, and Hereford Training College, in a letter to the Bishop of Oxford, written in 1867, declared that—

> "The supply of masters from the training colleges is now hardly sufficient to make good the natural waste in the ranks; is wholly inadequate to furnish certificated teachers for new schools brought under inspection."

If the supply were insufficient now, what must be the result if the number of schools was to be greatly increased? Again, as to the management, the relation between the school Boards and masters of the schools, he feared, would not be altogether satisfactory. For an educated teacher did not like to submit himself in his art, to persons who were less educated than he was. This was visible in the case of many of the British and Foreign Society's schools, where a master frequently resented the interference and set at defiance the authority of the Dissenting minister; because he regarded him as not so well educated as himself. The provisions as to by-laws he also considered objectionable, inasmuch as they would give power to the school Boards practically to extinguish any school in their district except that which they themselves managed. For the school Board had a power to pass a by-law for compulsory attendance, and another by-law for the remission of fees. Suppose they thus sent 200 poor children, who were to pay no fees, to some Church school in London the school would be starved in a month, for there was no proviso which obliged the school Board to support such a school out of the rates. The remedy was easy, and one to which the Vice President of the Committee of Council ought not, in his opinion, to object—namely, a proviso that, in every case where a school Board passed a by-law for the compulsory education of children, they should be bound to allot to the school an adequate amount out of the rates. Again: a school Board under the Bill might establish and manage a new school; or they might receive and manage an existing school; or they might assist but not manage an existing school. In the last case the school must be denominational; in the two other cases it might be so. It depended on the majority in the Board; or, as the Seconder of the Amendment said, the question was left "to be thrashed out in the Vestries." Now the persons for whom they were providing education were the children of labouring men. It was not from this class that objections to religious education proceeded; the persons who would form the school Boards, persons belonging to the class of small shopkeepers, were those who raised objections of this nature. For such persons were always jealous of any advantage accruing to any sect except that to which they belonged. It was in this spirit that the hon. Member for Stroud objected to the Church—which he called another sect—receiving more money from the Government than all the other sects together; although the Church, it was well known, had expended, from the funds of its members, twice as much more in order to provide schools for the poor. That was the kind of jealousy which would influence members of these school Boards. The Bill therefore very cleverly put the match right into the national powder magazine. The remedy he proposed was to let the Privy Council decide, once for all, which of the existing model deeds would make the new school suitable to the population for which it was intended. This was the best way to escape from the difficulty; and he could answer for its being practicable, because he had drawn a Bill in that sense just before he left Office in 1868. The evil of the proposed system would be best seen by an example. Take the example which had been cited by the Vice President — Liverpool. Schools were to be built for a low residuum of the population. But that residuum in Liverpool and in other large towns was Irish; it was Roman Catholic. Let the House consider what would happen. At the election of the school Board, what a battle of the kites and crows! The Bishop of Chester would issue pastorals, the lord of the soil would promulgate injunctions, against the new pretender:

> "Charge, Chester, charge! On, Stanley, on!"

would be the battle-cry in Liverpool. At last the school Board would be elected, and would build its Church, or perhaps its secular school. Now, was it in accordance with Liberal principles, or with the respect which was due to freedom of opinion and conscientious convictions, to leave poor children, mostly the children of Roman Catholic parents, to be dealt with as these school Boards might choose? Was it likely that a Board in Liverpool would build a school for the education of Roman Catholic children in the faith and religion which they professed? Was it likely that they would admit Roman Catholic emblems, and invite the priest to exert himself for the spiritual welfare of the children? They might establish a Church school, or a school for secular education—which was even more distasteful to Roman Catholics—but they certainly would never build a purely Roman Catholic school. The same would be the case at Manchester, Leeds, and other large towns. He held it to be an infringement of religious liberty, and contrary to the principles of the Bill, to allow the majority of a school Board to determine the class of school which was to be built, or to force a secular school on parents who conscientiously objected. The way out of the difficulty was to leave the power in the hands of the Privy Council to determine the character of the school which should be built, having reference always to the requirements of the district. In that way injustice would be avoided, together with all that turmoil and dissension which were to be apprehended if the provisions of the Bill were carried out. He proceeded next to consider the question of rates. He was averse to any recourse to rates, because of the consequences which they were supposed to entail. And yet he knew the difficulty of obtaining subscriptions, and the necessity of some other resource. Of that he was well aware; and it pointed to the necessity of procuring assistance either from rating or from the Consolidated Fund. But he also knew that the moment rating was adopted subscriptions would disappear. The moment a public body stepped in to perform any duty, that moment private persons thought themselves absolved from all trouble, and from more than their fair share of expense. If a school in one parish were supported by rates, the people in the adjoining parish would gradually incline to the adoption of the same system. They would feel that their subscriptions were a disproportionate burden, and would seek to make their neighbours also bear the burden. Or if there was a large parish—for example, Islington—which contained many schools, but which was insufficiently supplied in one small corner; a school Board would be formed, and rates would be imposed upon the whole parish. Those who had subscribed to schools in their own part of the parish, would now find themselves rated also, and would immediately withdraw their subscriptions. The effect would be that subscriptions would everywhere cease, and that rates would become general. This effect was evidently contemplated by Section 46 of the Bill. No one had more clearly foreseen and predicted this result than the present Prime Minister. Speaking in the memorable education debate on the 11th of April, 1856, the right hon. Gentleman said—

> "It appears to me clear that the day you sanction compulsory rating for the purpose of education you sign the death-warrant of voluntary ex-

> ertions. . . . If this be the true tendency of the system which my noble Friend seeks to introduce, are we prepared to undergo the risk of extinguishing that vast amount of voluntary effort which now exists throughout the country? Aid it you may; strengthen, and invigorate, and enlarge it you may; you have done so to an extraordinary degree; you have every encouragement to persevere in the same course; but always recollect that you depend upon influences of which you get the benefit, but which are not at your command—influences which you may, perchance, in an unhappy day, extinguish, but which you can never create."

To the change thus predicted it, perhaps, was necessary that the country should make up its mind; but, before they fell back upon rates, it would be well to adjust the incidence of taxation. It was in towns — in the poorest, the most dense and low parts—that education was most wanted. These were the very parts on which the rates would press most heavily. In rural parts, as poverty increased, and work became slack, the labourers would flock to the towns to find work or subsistence; and the towns would have to educate their children. It would be well, therefore, to glance at the working of a rating system, by reference to some actual examples. He must premise that there was in Clause 84 no limit of the rate to 3*d.* in the pound; but merely an undertaking to pay out of the Consolidated Fund, the difference between 3*d.* in the pound and 10*s.* per scholar; any deficiency beyond that sum must be met by the rates. In 1867-8 the grants were 8*s.* 6*d.*, the fees 8*s.* 6*d.*, and the subscriptions 9*s.* 6*d.*; to which must be added endowments and money from other sources. It must also not be forgotten that there was at present gratuitous performance of supervision and other duties. At present, the cost and the income were for the best-paying scholars; whereas those that would be added would be from the lowest and most ignorant stratum. The percentage of cost would thus be increased, while the percentage of grant would be decreased. Then, again, a number of children would be sent to school who would be too poor to pay the school pence; their fees would be remitted and cast upon the rates. The expenses of education thrown on the rates would thus again be increased. They would also lose the gratuitous performance of local duties, and have to pay for a substitute for this willing service. If, then, they estimated the grants at 8*s.*, the fees at 8*s.*, and the rates at 11*s.*, making a total cost of £1 7*s.* for educating each child, they would be far within the mark. There being 132 pence in 11*s.*, there resulted this simple rule—the rate per pound multiplied by the number of pounds in rental value must equal 132 times the number of children. The children between the ages of five and twelve may be taken at 14 per cent of the gross population, or 1 in 7·3 of the population nearly, or in round numbers 1 in 7. They could easily, then, ascertain the rate per pound to produce 11*s.* in any locality from the Return of Parishes, No. 114, of 1868. In London, excluding the City, with a population of 3,000,000, and a rental value of £18,000,000, the rate to produce 11*s.* per child would be 3⅙*d.*; in Liverpool, with a population of 462,000, and a rental value of £2,440,000, the rate would be 3½*d.*; in Manchester, with 358,000 of population, and £1,642,000 rental value, the rate would be 4⅛*d.*; in Birmingham, with a population of 320,000, and a rental value of £1,314,000, the rate would be 4¾*d.*; in Leeds, with a population of 207,000, and a rental value of £731,000, the rate would be nearly 5½*d.*; in Oldham, with a population of 94,000, and £343,000 of rental value, the rate would be 5*d.*; in Sheffield, with a population of 185,000, and a rental value of £673,000, the rate would be nearly 5½*d.*; in Plymouth, with 62,000 of population, and £168,000 of rental value, the rate would be 7*d.*; and in Devonport, with a population of 64,000, and a rental value of £131,000, the rate would be 9¼*d.*; in Christchurch, Spitalfields, the rate would be 7*d.*, while the poor rate in 1864 was 2*s.* 2½*d.*; in Dukinfield the rate would be 6¾*d.*, while the poor rate in 1864 was 4*s.* 0¼*d.*; in Nantwich, 8¼*d.*; in Weymouth, 9¾*d.*, while the poor rate was 2*s.*; in Grampound, 10*d.*; in Middleton, Derbyshire, 10½*d.*; in Stoke Damerell, Devon, 10¾*d.*, while the poor rate was 2*s.* 6¼*d.*; in St. Bartholomew-the-Less, London, 10⅓*d.*; in St. Matthew, Bethnal Green, 9¼*d.*; in Mile End, New Town, 10⅓*d.*; in Sedgeley, Staffordshire, 10*d.*; in Norwich Union, from 10*d.* to 1*s.* 1*d.*, the poor rate having been 2*s.* 9¾*d.*; in North Shields 1*s.*, the poor rate having been 3*s.* 11¾*d.*; in Alfreton, Derbyshire, 1*s.* 0½*d.*; in Cheriton, Kent, 1*s.* 1½*d.*; in Pilsworth, Lancashire, 1*s.* 2*d.*; in

Aldershot, 1*s.* 3⅜*d.*; in Farnborough, Hants, 1*s.* 4¼*d.*; in Lower Llansamlet, 1*s.* 9½*d.*; and in Lower Baglan, Glamorganshire, 2*s.* 1½*d.* These examples showed the amount of rate to which persons would be liable. Care ought therefore to be taken to remove the unequal incidence of taxation before the rates were imposed. If not, the rate would be unpopular; the school Board would shrink from doing what the rich were now doing; and there would be no voluntary energy, and no subscriptions to fall back upon. As a remedy for this they should embody in the Bill a clause of 12 *Vict.* c. 50, s. 18, (which related to Canada), exempting from the rates, to the amount of their subscriptions, those who supported an efficient school. The last point to which he would refer were the Census clauses in the Bill. The operation of the Bill in each locality began with a Census; and the action was to be maintained by an annually recurring Census. The Census was, in fact, "the be-all and the end-all here." With this he had no fault to find, except that he considered that the powers were insufficient, and would therefore either be ineffective or misleading. The Privy Council had now greater power over those schools which were under it, than it would have over the various unaided and private schools throughout the country. Yet what appeared from the Tables of Statistics of Inspection in the Reports of the Committee of Council? He would take the last Report as an example. There were 268 annual grant schools, and 387 building grant schools, in all 655, which, last year, sent in no sufficient Returns of income and expenditure, although required by the Privy Council to do so. Again, out of 689 simple inspection schools, there were no Returns of attendance from 360, and no Returns of accommodation from 149. If these Refused or omitted to send Returns when required by the Department under whom they were, still more would the masters and managers of unaided and of private schools disregard the overseers of the Vestries, who were not even given a power of entry, by the Bill. A master, when asked to fill up a Return, might answer—"I have got on well enough without aid until now, and I will brook no Government interference in the future." What was the only penalty in such a case? His school would not be noticed. But that was the very thing which he intended; his only desire was to be left alone and not be interfered with. The late Return of education in the four towns bore out what he had said. These Returns had been obtained through the registrar and sub-registrars of each district, and Mr. Fitch said (p. 17)—"No other public officers would, in my opinion, have done the work with nearly the same completeness and ease." Yet in thirty-four cases in the four towns alone (p. 2), no Return was given as to the sources whence the funds for the support of the schools were derived. In 108 cases (p. 12), there were no Returns as to the religious body with which the school in each case was connected. In 482 cases (p. 10), no answer was given as to the number of teachers. And in 1,784 cases in those four towns alone, information was refused as to the amount of school fees. What better fate would attend a Census under the Bill? In 1851 the Registrar General had made a voluntary compilation, with the aid of 30,610 competent and practised enumerators, of the amount of education throughout the kingdom. Yet this Return, as it was not based on sufficiently stringent statutory powers, had settled no controversy and determined no doubt. The Commissioners of 1861 had accepted that compilation as their basis; and they also procured Returns through the various Diocesan and Nonconformist Boards. Yet their assertion that there was a school nearly everywhere, and that every child attended school at some time (pp. 85, 86, and 301), had not been believed; and their estimate of educational deficiency in 1861—namely, that only 120,000 children (page 84) were not receiving education, had not been received. In 1861 Parliament (or rather Lord Palmerston—the same thing as far as the other side of the House was concerned) had refused to include education in the Census of that year. This was most unfortunate. The remedy he proposed in this case was to include education in the Census of next year; this would be easier, less expensive, more accurate and more authoritative than any partial Census under the Bill. In order to give time for compilation, he would also suggest that the one year's grace should be extended to two years. While suggesting improvements in the Bill he must not be understood as opposing it; on the contrary, he suggested improvements because he wished to make it more effective. They had not done much to destroy the existing system or to stop the progress of education; they had acted fairly by the Church and all the religious denominations; and if he could think that the present Bill would be a final settlement of the question he would accept it heartily as a compromise. But one step always brought about another step. Every law and institution changed or educated the people. As soon as it was established the people no longer stood upon the same ground. There might at first be resistance to a law; but they soon quieted down, they accepted it, they became accustomed to it. What they formerly fought against became a habit or a part of their minds. Then the party of change—that is, the revolutionary party—were ready to agitate in favour of a further change; and thus the nation proceeded in its declension. But now the Government had the matter in their own hands. The Revised Code had to be reconsidered. But the New Code must lie upon the table for forty days before it could became law; that was to say, that it could not became the law until April 1871. Let them at once, then, reconsider it, and return to the liberal grants which were given before 1862; let them wait for the Census of 1871, and they would find that, by that time, the work which they all desired to see done would be done, and permanently and well done.

Mr. H. B. SAMUELSON said, he intended to vote against the Amendment, and he was therefore anxious to explain the grounds on which he proposed to do so. No one approved more thoroughly almost all the principles advocated by the National Education League than he did; but there was one thing for which he contended still more strongly, and that was the cause of education itself, and he thought that by this Amendment an attempt was being made to stave off the question of education for the moment in order that the promoters of the Amendment might gain the decision of the question exactly in their own way. He should only be too glad if, in Committee, they could get the Bill in such a shape as would fulfil all the conditions demanded by the hon. Member for Birmingham (Mr. Dixon); but he was more anxious to get a good and sufficient measure of education, and to give it to the people of England speedily, than that all the advanced views they held should be at once contained in the Bill before the House. It was his desire that the elements of education should as speedily as possible be placed within the reach of every child in England. It was upon that ground that he had gained his seat, and he felt that this Amendment would in the result stave off that desirable result. The Government were anxious, in order to bring every child within the reach of education as quickly as possible, to use existing appliances, and in their eagerness to attain it they had, to a certain extent, overlooked sectarian differences; but from what he had heard from the Government he saw no reason to doubt that the object of the Amendment might to a certain extent, be attained in Committee. He believed the right hon. Gentleman (Mr. Forster) somewhat misunderstood the ironical cheer last night which followed the statement that the Bill had met with the support of the other side of the House. There had been an uneasy feeling since the Bill was before the House that the Government were content with being supported by the other side, and that the province of the Opposition, according to the statement of the right hon. Gentleman who lately presided at the Board of Trade, was to protect the Government from the too onward advances of their Left. He believed the meaning of the cheer was that they were only sorry that the Bill should have met with more support from Conservatives than Liberals. In criticizing the principles of the Bill he assented to almost everything that had been advanced by the hon. Member for Birmingham and his Friends. He agreed with much of the eloquent speech of the hon. Member for Stroud (Mr. Winterbotham); but he did not think his argument was altgether in favour of the Amendment. He agreed most cordially that school Boards should be formed in every district, and at once; but he saw no reason to doubt that in Committee the right hon. Gentleman would see it practicable to accede to that demand. He objected to what had been stigmatized as the Conscience Clause, and, in fact, to all such clauses, because he considered them invidious. He did not say that difference of denomination would put the child on a different footing from that of the other children as far as the master was concerned, but it certainly would have that effect as far as his schoolfellows were concerned; and he had reason to know that these religious differences inflicted great unhappiness upon the children, and he hoped the clause to be proposed in Committee by the hon. Member for Manchester (Mr. Jacob Bright), in relation to it would be adopted. He should also like to know why a parent who objected to his child having certain religious teaching should be forced to send in his objection in writing, while the parent who accepted the peculiar religious teaching of the school was not to be compelled to send in his assent to that form of religious education in writing. He thought such a distinction was invidious and ought not to be agreed to by the House. With regard to the Amendment proposed by the hon. Member for Birmingham, he could never be brought to believe that the mere reading of the Bible and of Scripture history could possibly be regarded as sectarian education, because that was a class of religious teaching to which no Christian sect in the country could object. He thought that a time-table Conscience Clause would amply carry out the object of the hon. Member in moving the Amendment. If they determined on a Conscience Clause a ratepayer would have a perfect right to refuse to pay rates for denominational teaching different to that to which he belonged, yet he could see no reason why he could not claim as a right to send his child to school as if he had paid the rates. School Boards should be elected directly by the ratepayers and not by Vestries or Town Councils. Those bodies were frequently divided into political parties, and if the proposition in the Bill were agreed to in towns where Conservative opinions prevailed, the religious education in the schools would be in accordance with the principles of the Church of England, while in other towns where different political opinions were entertained the religious teaching would be in accordance with Nonconformist principles. In America school Boards were invariably elected by the ratepayers directly and not through the intervention of any intermediate bodies. In touching upon the 66th clause, now known as the Permissive-Compulsory Clause, he was anxious to express his belief that it was impossible to have any efficient system of education without compulsion. Every child should be obliged to take advantage of the educational facilities they were about to place within its reach, and this permissive compulsion would not effect. On the other hand if it were left to the school Boards to decide whether compulsion was to be enforced or not, children might be compelled to attend schools to whose religious tenets the parents objected. If children were to be compelled to attend school, a large amount of additional school accommodation would be required, and he could not see why the new schools so to be established should not be of an unsectarian character. By this means the objection that if children were compelled to attend schools they would be forced into those of a different denomination would be completely met. The Educational Union considered it was a blot on this part of the Bill that it did not require the education of children as a condition of their employment to come in under the Factory Act and the Regulation of Labour Act. In Birmingham only 315 such children attended school, and in Leeds 1,212. In Manchester 823 children attended school under the Factory Act, and only eight under the Factories Act Extension Act of 1867, whilst schooling under the Workshops Regulation Act was not enforced in Manchester at all, which showed that the masters preferred to employ children over the school age, whether they were educated or not, rather than employ them as half-timers. The Inspectors reported that not more than 80,000 children throughout England obtained instruction under those Acts; and of those 80,000 a very large proportion of them received, or were receiving, education of so bare and transitory a character, that when they reached sixteen or eighteen years of age they forgot nearly all they had learned. He did not, however, deny that those Acts had in their time been of infinite service. It had been suggested that children should not be allowed to be employed until they had obtained a certain amount of education; but that course had been tried in the Mines Regulation Act, and had proved so great a failure that in the new Mines Regulation Act the present Home Secretary had omitted that provision. In his opinion children ought to be compelled to attend school until they should have passed whatever should be determined upon as the school age. He opposed the Amendment because he thought there was need of instant means being taken to provide education for the poorer classes. The Chaplain of the Birmingham Borough Gaol reported that out of 3,097 prisoners confined in the gaol during the year ending Michaelmas, 1869, of males, 46·39 per cent were unable to read; 74·60 per cent were unable to write; and 94 per cent were ignorant of arithmetic. Of females, 43·47 per cent were unable to read; 73·28 per cent were unable to write; and 99·44 per cent were ignorant of arithmetic. In Liverpool during that year, out of 30,433 persons taken into custody, 12,241 could neither read nor write; 2,539 could read only; 15,269 could read and write imperfectly; and only 381 could read and write well. Were they, then, to wait until they had settled their sectarian differences before they provided good education for the people? In speaking the other night about sectarian differences, it was said that, if the Bill passed, the first squabble would be with respect to the appointment of masters; but he knew, from his own personal knowledge, that such differences had already arisen. He knew an instance where a master for an elementary art-school would have been elected had it not been discovered that he was a Roman Catholic; but how that could disqualify him for teaching the children drawing he was unable to say. He hoped the supporters of the Amendment had well considered that the effect of the Amendment if carried would be to arouse sectarian differences, and defeat the passing of a good measure. He strongly advised them not to wait till they had settled their sectarian differences before providing for the education of the young. It could not be denied that the criminal classes of this country were very largely recruited from the very children whom this Bill was designed to educate, and he therefore hoped they would accept the measure at once, and not run the risk of getting none at all. Religious thought had led to the formation of a number of different religious creeds. That was advantageous so far as it went; but the heartburnings and jealousies originating out of these sects were to be deplored, and had caused considerable comment in foreign countries. It would not therefore redound to our credit if, owing to antagonisms and animosities, we failed to carry a measure of national education which would prove a boon to the whole kingdom. He sincerely hoped that the hon. Member for Birmingham would withdraw his Amendment and help forward this desirable result. He believed that if the Bill passed it would create greater changes than were contemplated even by the right hon. Gentleman who introduced it. Everyone must admit the services rendered by the hon. Member for Birmingham, and the League of which he was the Chairman, to the cause of education, because they had that means of placing the question directly before the working classes, without which the Vice President of the Privy Council would not have been able to bring forward this advanced measure.

MR. CORRANCE: The right hon. Gentleman who introduced this Bill has spoken twice, the first time in explanation of it, and the second time in its defence, equally effectively, as I thought. In the first speech delivered by the right hon. Gentleman he thought it necessary to enter into some explanations of the reasons which have induced Her Majesty's Government to introduce this measure. He spoke of the agitation which has taken place, and also of the antagonism which has sprung up between men equally anxious to promote such a cause with, as I thought, becoming regret. I share his feeling in that respect. We profess the same object, the education of the people, and even in our means to obtain it we differ only in degree. But behind this question, as all other questions of great importance, lie some principles which admit of no abandonment, and which in our consideration we dare not and cannot neglect. Now, the right hon. Gentleman, in adverting to such differences, told us that he should propose no compromise in such respects. I recognize in the Bill its truth, and I am glad of it, for a compromise we could not accept. My reading of this Bill is this—it favours neither, at the expense of the other, at all events. It offers a fair field and equal encouragement to increased exertion on either part. It will lead to an extended result, and as that result will be in the proportion of the efforts of each to each, it will apply a test. Now, if this is my reading of the Bill, the inference is it is a Bill I can accept. The right hon. Gentleman furnished us with statistics of educational destitution, which I think admits of little doubt. We have had many such; but I confess what produced the greatest impression upon me were some contained in the report of the Society of Arts, partly, I confess, from what seemed to me the quaintness of the comparison set up. The first arrondissement examined happened to be a suburban district well known to both—Ealing and Old Brentford, and in Table No. 1 we are given the result of an inquiry between the cost of beer per family and that spent upon education. It is thus set forth—

	BEER.		
	Per the whole population.	Per family.	Per head.
	£	£ s. d.	£ s. d.
Old Brentford	21,320	15 3 1	3 0 7
Ealing . . .	8,400	7 0 0	1 8 0

	PRIMARY EDUCATION.		
	Per the whole population.	Per family.	Per head.
	£ s. d.	s. d.	s. d.
Old Brentford	1,095 6 10	15 7	3 1
Ealing. . .	746 5 4	12 5	2 6

Well, set forth as an equation, it stands thus — Brentford, beer, £21,320 — £1,095 = plus beer, £20,230. No doubt a most deplorable result. I will not assume too much nor reduce it to a syllogistic form—that Brentford is uneducated and beery—that Brentford is in England, and that all England is beery and uneducated; but like the right hon. Gentleman, I leave the example and statement for what they are worth. But the hon. and learned Member for Stroud has asked why this Bill is introduced, and he seems to think that there is something premature in its present appearance in this House. It comes upon him, he says, with some suddenness. Surely, it betrays some ignorance on his part. Why, during the whole of his and my Parliamentary life it has been, in one form or another, before the House. Does he forget the Bill brought in by the right hon. Gentleman the present Home Secretary, and his persistent efforts upon its behalf? Does he ignore the Scotch Bill of last year, and all the efforts made through the Revised Code to meet an increasing want? I think it betrays some forgetfulness upon his part. The hon. Member has spoken with a bitterness upon this question which we must deeply regret—in terms which I trust will find no echo outside this House. He has spoken of an existing system as one which involved no national good faith; as one they could destroy, and ought to put an end to by some obviously arbitrary Act. He has instanced church rates, and he has instanced the Irish Church, and has asked what, after such Acts, is the limit of Parliamentary right? The limit of Parliamentary spoliation is a thing I cannot pretend to fix; but I will at least assume that there still exists within this House a sufficient sense of Parliamentary responsibility to induce it to stop at this point. There is one expression in the hon. Gentleman's speech which explains the nature of his complaint—that large national endowments still remain to the Church. This, then, is the string of his complaint. I trust that the right hon. Gentleman will not be deterred from his course by such narrow criticism as this, and will hold him justified when he makes use of language like this—

> "Hence comes a demand from all parts of the country for a complete system of national education, and I think it would be as well for us at once to consider the extent of that demand. I believe that the country demands from us that we should at least try to do two things, and that it shall be no fault of ours if we do not succeed in doing them —namely, to cover the country with good schools, and get the parents to send their children to those schools."

And no less so in the principles announced, namely—

> "First of all, we must not forget the duties to the parents. Then we must not forget our duty to our constituencies, our duty to the taxpayers. . . . . And, thirdly, we must take care not to destroy in building up—not to destroy the existing system in introducing a new one."

Upon the provision of this Bill let me offer a few remarks. The first great change which this Bill will introduce into this system is one upon which the right hon. Gentleman says that he expects some opposition. It is the cessation of religious inspection by the State. Objections have been taken to this as a violation of certain contracts with existing schools, a case of *malâ fides* upon the part of the State. Well, the right hon. Gentleman will, no doubt, be able to answer this. But as a question freed from such technicalities, I confess it recommends itself to me upon many accounts. I think that the objections taken to it by the right hon. Gentleman are borne out by the Report—it is costly, it is the cause of great inconvenience, and it is unjust. Beyond this, it has, I think, come home to the minds of many that in such matters as religion we must no longer be dependent on nor perhaps seek the co-partnership of the State. It will be an advantage in some respects; we shall develop the resources of an independent class. One thing I think under the circumstances before alluded to we may have a right to expect, that we shall have security under this Bill, for the entry of diocesan Inspectors, at least equal to those conferred upon the Inspector of the State, in all schools upon a Church of England base. The second important provision, as applied to our existing system, is the Conscience Clause, which the right hon. Gentleman will now introduce. No one who deals with it as a practical question will doubt the expediency of this. For of many able speeches which have been made, and many good reasons adduced, one, I think, is conclusive as to this; without it, our system can have no pretension to be a national system; it is the system of a sect. The hon. and learned Member for Stroud speaks disparagingly of this. He calls it a sham. Yet, mark the admission he makes in this case. He says, it is at least sufficient to prevent proselytizing the children. How, then, can it be justly called a sham? Concerning this I am at a loss. I am glad to find that the school fees are to be retained, both from the aid they will afford to the maintenance of schools, and, in some instances, relief to the rates; and also, unless we are to have some of the pet theories of compulsion applied, for the effect upon attendance which they undoubtedly produce. But these are but the modification of an existing system, well known in effect and charted out, and of the scheme before us they only form a part—the voluntary system, whose insufficiency is to be supplemented by the rate. Now, there is no doubt that this brings us face to face with the real difficulties of the case. It may come as a necessity; but it is a necessity I regret. Up to this time it has been presented to us with such doubtful surroundings, clothed and accompanied by such repulsive belongings, secular instruction, compulsion, and the like, that perhaps it has scarcely had fair play yet. In the Bill of the Government it is divested of such attributes no doubt. It comes as a compliment paid in the case of a deficiency which the voluntary system shall have failed to fill up. Well, my hope must be this, that it will act as a stimulus to voluntary efforts, and thus obviate the want. But it is impossible to touch this question without further inquiry into certain points, and this has been brought before us by the Amendment which now stands before the House. If we have rates we must have school Boards, and these are to be formed out of Vestries, Town Councils, and the like. Now, it has been objected, with some reason, that such bodies are not competent to undertake such a task. Well, I think we must, most of us, entertain a doubt as to this. The right hon. Gentleman has, indeed, expressed a hope that, under certain circumstances, they might not be unequal to the task. He speaks thus—

> "I myself have known case after case in which a Town Council, or even a rural Vestry, has been a scene of squabbles until it had important duties intrusted to it, and then has risen to the level of those duties, even members who had not distinguished themselves before having shown qualities of the existence of which their neighbours were not aware."

Well, let me confess I have but little faith in the existence of such unknown attributes, and still less their exhibition under such circumstances as these. Still less from what I have heard to-night. Nevertheless, let me call attention to this, that I cannot consider this question as one we can decide as yet, for it proceeds from the assumption that we shall levy this rate upon the basis of the poor rate. Now, pending the inquiry of a Committee upon the proper classification of these rates—and we may, at least, suspend our judgment at that point—the next objection arises under the terms of this Amendment, and that it has become a formidable one there is no doubt. The speech of the right hon. Gentleman confesses as much. He has counted on forbearance. He has counted on the desire to promote education. He has counted on profession. But it would seem that he has reckoned without his host. It would seem that the spirit of love of power, the spirit of bounded self-love, or the spirit of religious discord, is even dearer than this. Then I am under apprehensions upon this point—if under this guise, as I am obliged to recognize, from the tone of the speech we have heard to-night, if of *malice prepense*, and in pursuance of a determined course, this question is to be raised in every parish and town, then I am afraid we can scarcely look with confidence to the result. I regret that the appeal of the right hon. Gentleman should have met with such a response, and I still trust that of such sentiments we have heard the last in this House, and that this seed may not be sown in soil where such seeds are but too rife. And now upon this point I have another observation to make. There is another class who are, and must be, dependent for their education on these rates, and I cannot say that I am quite satisfied with the provision of the Bill in this respect. Except the permissive power under Clause 24, to pay school fees—and this is confined to places where school Boards exist—I can find no satisfactory arrangement made for the children of parents receiving relief; and in so saying, I include both in-door and out-door relief. Now, considering the numbers, the helpless condition, and the real importance—economically and morally—of the education of this class, I do not think that this question has received sufficient attention; yet from a Report recently made it would seem that we have 54,000 children of this class, for whom most inadequate education is provided as yet, and for whom, as it seems to me, we do not attempt to legislate in this case. Taking the case of the out-door pauper first, it seems to me that upon the provision made we can place but little dependence. In the first place, it is permissive; and in the second place, it is confined to the places which enjoy the doubtful privilege of a school Board. The right hon. Gentleman has mentioned the provisions of 18 & 19 Vict. as applicable to this case; but, unless enforced as a condition, he is well aware that the application of this permissive measure will not take place, and that against its enforcement as such, some considerable arguments may be adduced. Now, without at this stage attempting to suggest Amendments which may be hereafter discussed, I would only say that I think the right hon. Gentleman will recognize the necessity of some further legislation upon this point. I cannot even leave the matter without a further remark—that no attempt is made to deal with the Union schools. Is the right hon. Gentleman satisfied with them in their present state? Is he not aware that they are held, by the best authorities, to be both expensive and bad? Is it not convenient that they should come under the common control of the Educational Department, rather than that of the Poor Law Board as at present? When this is done, the question of separate district schools will follow as a matter of course. Why, at this time, of the advantages possessed by these, there can be no doubt; and we can appeal to an enlarged experience upon this point. Take the example of the metropolitan schools. Take those recently furnished by the Reports of the Inspector in those Northern counties of Leeds, Swinton, and Wishdale, and the comparative efficiency and cost. Well, upon these points the Bill is defective, I think; and if I have felt it my duty to call the attention of the right hon. Gentleman to them, I think the importance of the matter will be sufficient excuse. Concerning the question of compulsion, he seems to have arrived at the point, whether its application should be direct or indirect; and, lastly, to what degree we can employ such a force. Concerning indirect compulsion, I think but little disagreement exists. It is a question of degree only in this case; but not so when the compulsion of another class against this great objection must always exist. That it is absolutely impracticable would seem to me the least objection. The right hon. Gentleman says that he has not changed his mind upon that point—

> "There is a point upon which, I confess, I have changed my opinion. I believe that last year I stated in this House that in America, although they had a compulsory provision, it was so rarely put in force as to be of no effect. Further study of the matter has convinced me that, while it is as seldom put in force in America as in the parts of Germany where a similar provision exists, yet it is acknowledged to have had a great effect, since it embodies a moral force which has made education more universal."

But as he said that it is useful in some degree to the extent to which it is not put in force, we shall not disagree much as to this point. For my own part, I quite concur with the observations of the Royal Commissioners, who tell us that until public opinion is sufficiently enlightened to give it effect it will not work, and that so soon as this is so, it will be of no use. By the provision of this Bill, leaving its adoption and application to local bodies, I think the difficulty is well met. The right hon. Gentleman, at the close of his able address, spoke of this question as one which met a material want. He tells that in default of the intelligence which education may be said to create, our productive powers are incomplete. Upon many the force of that appeal will not be lost. But in his second address he says—

> "There is another consideration, and one which I think will appeal with greater force to most Members of this House, namely—the necessity of education as a moral and religious necessity, or a necessity upon which both morals and religion must rest."

In a Protestant country it must be so there is no doubt. But what are morals or religion without? The one a slavish fear of consequences, the other a superstitious belief. To a mind untrained and unenlightened, what appeal can we make to fears which degrade, or passion which desolates? Reason is in abeyance. The finest qualities of the mind are not easily called forth. Let me ask what value we can attach to such belief as this? It rises but little above superstition at best. Upon this ground, then, I say educate, and once more upon this ground let education include religious belief. It is no education without. Educate if you will for material objects; but remember this—that education means more than this. It means that you raise the man at least one step above his merely material wants. Surrounded by his sordid attributes, it gives him still something you can expect—something which gives him self-respect. And yet there are those who talk of education stripped of this; education in which religion shall have no part. Its necessity has found champions out of every camp—nay, that of Infidelity itself. What does Dr. Andrew Combe say as to this? Dr. Andrew Combe says—

> "I recognize implicitly the importance of religion to the welfare of society and to that of the individual. Active religious feelings dispose a man to venerate and submit himself to those moral and physical laws instituted by the Creator, on which his own happiness and that of society depends."

But a recent writer in the *Westminster Review*—a periodical not supposed to favour the cause of dogmatic beliefs—in sight of the great dangers which an unbridled democracy might bring upon a State, speaks thus, and that sentence is my last—

> "But after all it is in the conscious and organized education of the many that we must place our hope. We call lastly on the religious teachers of the people—those to whom the spiritual life of that people should be doubly dear—to merge all their differences in one common aim: that of developing for the whole nation one grand moral life. There are those among them not unworthy of the trust. Away, then, with speculative tortures, proselytism, and jealous inquisition into the souls of men. The national spirit is this day cast into the crucible. It may rest with you whether it comes out a festering mass of corruption, or an eternal jewel fitted for the Master's use."

MR. KAY-SHUTTLEWORTH said, he was reluctant to intrude into a debate of so much importance the remarks of so new and inexperienced a Member as himself; but circumstances which had been brought under his notice by many Friends in the House induced him to think it was his duty to state briefly some conclusions at which he had arrived upon this Bill and the Amendment of the hon. Member for Birmingham (Mr. Dixon). He should state these conclusions with great diffidence in his own power to do them justice, but with a strong feeling of confidence in their truth; because they had not been arrived at without consultation with some who had the judgment and knowledge which he lacked, and especially with one to whose labours in the cause of education the House had on many occasions done justice, with a respect and kindness that he desired now to acknowledge. The answer to many of the objections urged against this Bill probably was that they were based on too gloomy a view of the manner in which the Bill would work. That was particularly the case with regard to the Conscience Clause, for the experience of the operation of that provision in schools in the country proved that a Conscience Clause might be made very effectual. But he did not intend to enter upon many of the objections made against the Bill of his right hon. Friend. He would touch only upon three. There was first the objection—which really had much force and ought to be carefully considered by the Government—that it would be in the power of a bare majority of the school Board to impose upon a district a school unsuitable to that district. He was convinced that his right hon. Friend did not intend that such a misfortune should occur in a single district; but the Bill was open to the objection that a tyrannical majority in a school Board might, for instance, impose a Church school upon a Dissenting district. Now he doubted very much whether, considering the growing common sense of the country, such an eventuality could possibly arise; but lest it should arise, he suggested to the Government whether it would not be possible to introduce into the Bill a provision empowering the minority in a school Board or district to appeal to the Education Department and enabling that Department after inquiry to declare that a school was unsuitable to the district in which it was placed. That small amendment might probably meet the first objection. The second objection was that the effect of the Bill would be to revive church rate contentions, which had been put an end to by the abolition of compulsory church rates. It appeared to him that the school districts might be divided into four heads. The first included the districts in which sufficient school accommodation was now provided by voluntary efforts and the grants of the Education Department. The second were districts in which there was no very great deficiency of school accommodation, and where that deficiency might be easily provided in the year of grace contemplated by the Bill. The provision that there should be a year of grace was one of the greatest importance, and he trusted that nothing would induce the Vice President of the Council to withdraw it from the Bill. The third class of cases was where a deficiency of school accommodation, be it great or small, would be found, and where it would not be supplied during the year of grace. But in the great majority of these cases he believed there would be no reasonable doubt how that deficiency could best be met. There would be a great many districts in which it would be so apparent that there was need in one case of a Church school, in another of a Dissenting school, and in another of an unsectarian school, that no contention upon the point would arise. The fourth class was that in which these religious questions would arise and would be debated with great ardour. The elections in Town Councils would sometimes depend upon them, and the difficulty which had been pointed out did undeniably exist, although he believed it had been overrated. He would venture briefly to remind the House that, after all, there would be no very great hardship in sending children to a denominational school, if there were provisions in the Bill which effectually secured the religious liberty of the parent to withdraw the child from the religious teaching. He thought it possible to introduce such a clause; and if it should be found in Committee that the 7th clause did not meet the difficulty, he believed that the Government would assent to any Amendment which would effectually secure the religious liberty of the parent. He would remind the House that cemeteries were in many towns paid for out of the rates—that one portion was devoted to one religious denomination and another to another; that in many cases denominational chapels were built, and that no contention, or very little, arose in regard to these cemeteries. A third objection to the Bill was this—A friend of his, well acquainted with the circumstances of the great Lancashire towns, had said to him that there would be in many of them none but rate-supported secular schools, while in adjacent school districts there would be only denominational schools voluntarily supported. After consulting the statistics bearing on the subject, he had come to the conclusion that the deficiency of school accommodation in the large towns of Lancashire—he was not now speaking of Manchester and Liverpool—was not very great, and when it was said that the effect of the Bill would be the establishment of a system of rate-supported secular schools, it was apparent that two-thirds or three-fourths of the school accommodation required was already provided by the denominational and other schools, aided by the Privy Council. The conclusion he came to, therefore, was that there would not be in these towns any violent and inconvenient contrast with the state of things in the country districts around. From all he could learn as to other points he thought that the difficulty in the working of the Bill had been greatly overrated even in the rural districts, and in the large cities. He regretted that the hon. and learned Member for Stroud (Mr. Winterbotham) had treated this as a party question. [Mr. WINTERBOTHAM dissented.] He was happy to have a denial from the hon. and learned Member of that statement;

but he (Mr. Kay-Shuttleworth) understood him to say that a new Church Establishment would be introduced by this Bill into every school district—a statement calculated to rouse religious animosities; and that was importing matter into the debate which he very much regretted should be brought in. He had also heard it said—and he believed by the hon. Member for Birmingham (Mr. Dixon)—that the effect of this Bill would be that Churchmen would in future be regarded with distaste by Liberal constituencies, and that the result of the measure would be to damage the Liberal party at the next General Election. In discussing this great question such matters, in his opinion, had better be left out. [Mr. GLADSTONE: Hear, hear!] So far as party was concerned, he, for one, if he could advance this great cause, was willing to incur any amount of party defeat or unpopularity. He confessed that he would rather lose his own seat, and would rather see the numbers of the Liberal party in that House diminished — though he had the interests of the Liberal party thoroughly at heart —than he would consent to stand still in this matter of education. He did not believe that such would be the effects of the Bill, and he should regret if arguments of this kind had any weight with hon. Members. With regard to the Amendment, he felt that he could assent to its language, nor did he see how the Vice President of the Council himself could withhold his assent from its language. The Amendment simply affirmed that no settlement of the question could be satisfactory or permanent which left the question of religious instruction in public schools to be determined by local authorities. He could scarcely imagine any settlement of this question which could be in all respects wholly satisfactory; but his right hon. Friend had to find out what settlement was least open to objection and was least unsatisfactory. Objection could be urged against any settlement, and none could be permanent. He could not vote for the Amendment, however, and a large majority on that (the Ministerial) side of the House had, he believed, come to the conclusion that, much as they might regret to differ from their hon. Friends who had been doing so good a work in stirring the mind of the country upon the great question of education, it was impossible to vote for the Amendment. His reasons for opposing it were four-fold. First, in its effect it was hostile to the second reading; secondly, it was advocated on opposite grounds, one portion of its advocates objecting as vehemently to the views of the other as they both objected to the proposals of the right hon. Gentleman; thirdly, it contained no proposal for the solution of the difficulty; and, fourthly, he was unable to discover any solution which was not far less satisfactory than that offered by the Bill. He trusted that the House would go into Committee, having full trust in the right hon. Gentleman the Vice President of the Council. There was every ground why they should have confidence in the pledges the right hon. Gentleman had given. He had at heart the principle that no religious teaching should be forced upon the children against the wish of the parents, and all that the House desired was that this principle should be secured by the Bill. If it should happen that after it had passed through Committee this principle appeared to be inadequately secured, then he should consider whether it was not his duty to vote against the third reading. Such a result he could not expect; but he should be disinclined to assent to any measure which neglected to provide that no child should be made to receive any religious teaching to which the parent objected. He hoped the hon. Member for Birmingham, and those who acted with him, would not vote against the second reading of the Bill. There was no fear that they would succeed in throwing it out, yet it would be a very unfortunate thing if it were to go forth to the country that there was a section of the Members, justly occupying a high position from the important action they had taken on the question, who were hostile to the measure, and had attempted to throw it out on the second reading. Although they would be in a minority, they ought to consider what would be the effect of their obtaining a majority; they ought to remember the speeches they had made for years in the country, at the conference held at Manchester two years ago, at the General Election, and during the useful agitation of the Recess; they ought to remember, how in all those speeches they had deprecated delay, and had said that the time for action had come, and that we could no longer go on without such an educational measure as would bring a school to the door of every poor child in the country. It was acknowledged by the hon. Members for Birmingham and Stroud (Mr. Dixon and Mr. Winterbotham) that this measure contained provisions which, if the Bill passed, would bring a school and sufficient school accommodation within the reach of every child, and on that ground he would vote for the second reading of the Bill, wishing success to the Vice President of the Council in his endeavours to inaugurate such a system of national education as had been the object of the labours of the friends of education for many years, and of which there never was so good a prospect as there was at present.

Mr. BERESFORD HOPE: I must commence with expressing the pleasure with which I have listened to the able, temperate, and well-delivered speech of the hon. Member who has just sat down. So excellent a maiden speech is especially gratifying and interesting to those who remember the services of that eminent man, the father of the general educational movement in England, whose mantle, while he still lives, has so worthily fallen on his son. I am sorry that I cannot speak in the same terms of the speech of the hon. and learned Member for Stroud (Mr. Winterbotham), which, though sweet and oily to the taste, will leave a bitter flavour behind. It is impossible to conceive a speech worse timed or struck in a more unfortunate key. Until I heard it, I fondly hoped that the present was a time of reconciliation, when earnest men, whether Churchmen, Dissenters, or Secularists, instead of looking out for points of disagreement, were honestly seeking a common ground on which they could most completely solve the pressing practical problem, how to educate the far too many uneducated children of the land. I look upon the Bill of the Vice President as an honest attempt to give effect to this one desire without ulterior object or subterfuge. I hope the great Educational Reform Bill will be carried during the present Session, for if it be not so—if it were now to miscarry—the question will be relegated to many future years of howling agitation, while it will become the battle-field of parties, and the sacred name of education, and still more sacred name of religion, will be bandied about like a blue or orange flag at a borough election. If we are to avoid this risk, there must be a little moderation in language; a little charity for our neighbours; a little belief that others who do not pronounce the same shibboleth as ourselves, may yet pronounce their own with a like strong and honest conviction that they are speaking the truth from their hearts. Even the most pious Dissenter, in his own estimation, may learn a lesson of toleration from Archdeacon Denison—that man of vehement convictions, but broad forgiveness and chivalrous generosity. If the imputation, which has been scattered broadcast, shall be repeated, that Churchmen and, particularly, the clergy in supporting the Bill are influenced only by a sense of their own dignity, and the hope of ulterior personal advantage, there will be an end to the hopes of peace which are now bright about us. Their support, given to various portions of the measure, is neither indiscriminate nor universal; if it were so, it would have been unreal, and the child of panic, and not of reasonable thought. Indeed, the charge made against Churchmen, that they are looking to their own interests at the present moment, is exceptionally and peculiarly unjust, because the general support they give the Bill is an earnest of their intention not to stand on dignity, but to stand on the higher and unworldly ground of their being messengers of God's truth. If the Church were simply standing on its dignity; if it simply wanted to ride hard that social pride of which it is accused; if it wanted to trample on Dissenters from some assumption of personal superiority, it would not welcome a Bill which will place every denominational school on the same level, no matter what the doctrine of the denomination may be, and no matter how incomplete the theological or classical education of its pastor. Under a secular system the Church would preserve its social prestige and its intellectual vantage-ground; and, if its spirit had been such as the hon. and learned Member for Stroud insinuates, it would have sided with the secular party. The principle of the Bill is to take stock of and to appraise all schools, and to admit those which are not found wanting to be Government schools. In order that we may appreciate how this will really work, I will look at a case which no one here has yet dared to face, but which I would welcome with gladness, that of an inefficient Church school being floated by a good and efficient Dissenting school, and the rector being saved from the infliction of a school Board by the minister of a Primitive Methodist Chapel over the way. This is a case which may occur; Churchmen face it, accept it, and are prepared to run the risk. The Bill involves the possibility of such an honest levelling of mere social distinction, and it rests upon the acceptance of the true and genuine relations which ought to govern us in the matter, that of proved efficient work in those branches of education of which the State claims cognizance. For many years Churchmen have steadily resisted the principle of an enforced Conscience Clause; and I have no hesitation in saying that up to a late period that resistance was right and justifiable, because it was a resistance offered in the name of doctrinal religion to those who tried to override conscientious convictions by a superior power assumed to be altogether indifferent to the truth; but, in the meantime, I believe that there have been very few Church schools in England in which a Conscience Clause has not been practically at work with advantage to all engaged. I speak, of course, only of Church schools; while, on the other hand, I should rejoice to hear of any Nonconformist school which had, in the meantime, opened its door to the young Churchman, and scrupulously protected him from the risk of proselytism—of any school in which, when the master began to give instruction in the Westminster, or any other Confession of Faith, he warned all to whom such teaching might not be acceptable to depart, if so commanded by their parents. Still the confession had to be made by Churchmen of a change of policy; and has it not been made with a candour, generosity, and completeness on the part of those whose dignity might be mortified at the avowal, which ought to have secured it a different reception from that accorded by the hon. and learned Member? The form of virtual opposition to the second reading of this Bill is sufficiently alarming to those who wished to see the question well settled; and the speeches of the hon. Members for Birmingham and Stroud are neither of them at all calculated to reassure the timid, for they amount to a simple proclamation of resistance to any system of education, in which any percentage of schools, large or small, founded on religious principle, are to be included. That is the position to which the hon. Members have committed themselves, and they cannot get out of it. Nothing less strong can account for their rejection of the huge existing machinery of denominational schools. Let us put the Church out of the question for a moment, and take the case of a denominational school belonging to some sect. In a Wesleyan school, for instance, where the secular instruction is confessedly good, the children of parents not Wesleyans are not, as the Bill stands, to be detained in the school during the instruction if the parents object, because there must be a religious Conscience Clause; and yet the hon. Members would like, if they could, to exclude that school from national aid. Nothing but opposition to the religious principle in any shape can lead the opponents of the Bill to object in such an instance; and therefore I cannot understand any other reason for the resistance to the Government scheme, which would incorporate and combine the denominational schools with the general system. Is it for the sake of uniformity, however, that the scheme is opposed? I will not waste a word on such an argument, for it would be as childish as it is monstrous to pretend that the great work of Christian charity and energy exhibited for so many years in the erection of and endowment of so many schools should all be sacrificed for a mere Chinese love of uniformity. To what conclusion, then, are we after all driven? To this, that on the part of the opponents of the Bill, nothing but one thing must be borne with, and that one thing is absolute opposition to any system into which the supernatural element enters. The existing schools are too well worked to be abolished for any minor reason, and it is well that the country should know the real motives which guide the antagonists of the present measure. Then they try to prop up policy by another argument advanced in connection with that noble-hearted but most unfortunate individual who is trotted up and down the House until it is a wonder that he has a leg to stand on—namely, the British workman. Our ears are deafened with the reiterated assertion that we have emancipated the British workman, and that he is a being particularly opposed to, and jealous of, priestcraft, and therefore our old schools are to go down. In short, this independent British workman is set up as something between an avenging angel and a noble savage, to hew down the great idol of denominationalism and to build up a magnificent temple of secularism. No doubt there is, and has been, a deficiency of education, which we all lament; and so the British workman, not being so well educated as might be desired, is not at the present moment the best judge of the education he ought to have; therefore, in the interest of truth and justice, I trust that the attempt to make capital out of the British workman, and use him as a leverage to revolutionize the whole religious teaching in England, may meet with the defeat it deserves. The Bill is not perfect, and may be capable of amendment, but the opposition to it in its present stage is the work of a discontented and disappointed faction. I trust the Government will be firm and successful, and in so saying I recognize the fact that success will strengthen their tenure of Office. But in these times it is the duty of patriotism to support any Government in doing right. The Amendment is dexterously drawn, and may be interpreted in as many ways as a Delphic oracle, while it has reference to one of the most difficult parts of the Bill. On this I may have something to say at the proper time; but the form in which the Amendment is put before the House, and, still more, the speeches by which it is supported, preclude me from entering on it now, for I will not play the game of those who wish to defeat the whole Bill. How the power given to local Boards of settling the religious education to be given in the new schools may work in towns I do not discuss, but its working in rural parishes has been strangely exaggerated. What would be the country parishes affected by the Bill? They would not be those in which parson and squire have been active, and in which there are efficient schools, but parishes in which education is most defective or actually non-existent, where the squire and the parson have been negligent or parsimonious, or where there is no squire at all and a pauperized incumbent—parishes which have been unable to help themselves, even during the year of grace—a provision which I hope the Government will not abandon under any pressure. Is it likely that places in which heretofore the Church has done so little, would awake to vigour under the pressure of a vestry election? No; I believe that the clause is likely to tend as much to the advantage of Dissent as to that of the Church. But this particular clause is not now under discussion. The battle to-night is whether Parliament will recognize the spontaneous zeal of all the religious bodies; if it will be just to the old Established Church, which within the last thirty or forty years has wakened up to a new life of Christian earnestness; and if it will, on the other hand, as completely and impartially acknowledge and confirm the active efforts during the last generation of Wesleyans, Independents, Baptists, as well as of the Roman Catholics in the great towns of the North, all of whom have been, with a noble emulation, engaged in educating the children of the poor, with a view no doubt in the first instance to their spiritual welfare, but also with the intention of making them eventually good citizens, good workmen, and good fathers of families. The question is, will the House, in passing its measure of general education, recognize this magnificent monument of voluntary charity and earnestness; or will it, in a vague unreasoning spirit of mere uniformity, or from worse motives—the absolute opposition to the teaching of positive and dogmatic truth—sweep them away, discourage voluntary zeal, and set up instead a State-ridden system of cold and godless secular teaching?

Mr. MIALL said, he had listened to the speech of the hon. Member who had just spoken—as he did to all his speeches —with interest, for there was something so kindly in his spirit, so innocent, and, if he might use the expression, something so antique in his Conservatism, that he always instructed those to whom he was opposed. He felt thankful to the hon. Member for having brought out strongly those points of justification in favour of the Bill upon which, no doubt, hon. Members on the other side of the House were agreed. He must correct the hon. Member in one particular. The hon. Gentleman spoke of the sectarian teaching of the Dissenters' schools. Perhaps he supposed that the Westminster Catechism was taught in those schools.

Mr. BERESFORD HOPE said, he spoke of the Presbyterian schools in Scotland.

Mr. MIALL: But the schools under discussion were the schools of England. And he might say that no sectarian doctrine, no distinctive denominational doctrine, was taught in any school of Dissenters of which he had any knowledge. Nothing which was distinctive of Congregationalism, nothing which was distinctive of Baptist views, nothing that he knew distinctive of Methodism was taught in any school, managed by the Nonconformist bodies proper, or by Methodists. They could all meet together, and had done so for he knew not how many years, under the British school system, by which the primary elements of Christian truth were instilled into the minds of the children, without any distinctive tenet or any sectarian bias whatever. Turning to the consideration of the measure now before the House, let him, in the first place, take his share of the responsibility, such as it might be, for the Amendment which had been brought forward to the second reading of the Bill. He was not present, it was true, at the meeting at which that Amendment was decided on, but he concurred in it, and he concurred simply on these grounds—The Bill was a large Bill dealing with the education of the whole country, and it was a Bill that embodied five or six principles of great magnitude, of several of which he heartily approved; but there was one principle, and that a principle of considerable magnitude, which he and all other Dissenters looked upon with disfavour, and about that principle there clustered a great many questions connected with the religious management of the schools to be created under that Bill, with which it would be impossible for them to deal in Committee in a manner which would be satisfactory to themselves or to their constituents. It was necessary to attack that principle, and to urge the grounds of their opposition to what might be called the denominational scheme at a time when their opposition would be available, and when they could make their reasons thoroughly understood. Everyone knew that when they got into Committee, questions of principle were usually frittered away, and they thought, therefore, it was better for them to state fully, fairly, and impressively before the House the fault they found in the Bill, and that they could not do, unless they raised the question on the second reading. Let him again take on himself whatever share of responsibility might be necessary in the sentiments which had been so eloquently expressed that evening by his hon. and learned Friend the Member for Stroud (Mr. Winterbotham), who had truly interpreted the feelings and opinions of Dissenters with regard to the Bill. It had been said of him that he had introduced party feeling into the discussion of that question; but he believed that his hon. and learned Friend had done nothing of the kind. He had simply stated to the Government and to the House facts which they all knew to exist, and which it would be far better for the House to understand, than to proceed to legislate on this great question in an unsatisfactory manner—unsatisfactory because the House was not in possession of the real facts of the case. The course of his hon. and learned Friend might be deprecated or might be justified according to the opinion of Gentlemen who sat on that or the other side of the House; but his hon. and learned Friend had put his finger precisely on the very points on which the Dissenters of this kingdom would ground their opposition to the Bill. No doubt they were accused as sectarian, bitterly sectarian. Yes! But why was this question forced upon them at all? They did not ask Parliament to support their sectarian teaching; they asked simply that the education of the children of this country should be governed by large principles of religious equality. They had never requested that they should be put in a position of superiority to Churchmen; but they had hitherto been put in a position of practical inferiority. It was impossible—he did not want to find fault with anyone's motives—but it was impossible, under the present system in which one body of Christians was associated with the State and favoured by the civil power, that they could put this educational question on a basis which would be satisfactory to all, unless they abandoned something of those pretensions which had generally been advanced on this subject. He thought it only fair the House should know that the speech of his hon. and learned Friend the Member for Stroud precisely stated the case, although with perfect good temper, and therefore it was impossible to misunderstand the position in which they were placed. He did trust that what he was now saying would be borne in mind with reference to this question hereafter. Now, one word of defence. They had been accused of faction. He thought the hon. Member for Cambridge University (Mr. B. Hope) said that they were a disappointed and discontented faction. He (Mr. Miall) did not plead guilty to the charge of being factious; but he certainly said that they had been miserably disappointed—disappointed because they had expected other and better things. They remembered the legislation of last Session, and the principles which were then established with reference to the Irish Church. They remembered that the extension of the franchise had placed the question of education in a far more advanced position, and they thought they were nearer in view of its satisfactory settlement than ever they had been before. They felt that they had a right to look to the present Government to place this great question of education on a basis which should be completely satisfactory to all parties. Now look at the curious position in which they were placed! The facts of the last few days were really of an instructive kind and character. Yesterday and to-day a host of Petitions had been presented against the religious clauses of the Bill, and coming from where? They all came from the Government side of the House, and represented the feeling which was entertained with regard to the Bill by persons of the Liberal party throughout almost the entire country. They had had Petitions presented also in favour of the Bill, but they did not come from the Government side of the House. Now, if they could settle that question it would be all the more satisfactory a settlement if they could co-operate with Gentlemen on the other side of the House, and there was no desire on the part of anyone on this side of the House to prevent that co-operation. Was it not odd, however, that all the discontent with the Bill should arise amongst the friends of Government throughout England? Was it not odd that the friends of Her Majesty's Government were dismayed, and that their natural adversaries were radiant with joy? Did not his right hon. Colleague (Mr. W. E. Forster) himself feel a little conscious that the position which he assumed on that question was somewhat an unsound one? Did he not feel that he might perhaps have trampled on feelings which he did not suspect to exist, but which nevertheless had shown, not only that they existed, but that they were in great force? Well, what they wanted was not to cast out the Bill. There was no wish, he was sure, on the Government side of the House in the breast of any hon. Member that the Bill should be rejected, or that it should not be made the basis of a final settlement of the question, so far as a final settlement of it could be made in their time. He believed that if it were possible to select a dozen men, representatives of all parties in that House, and to send them upstairs to consider those clauses of the Bill which affected religious teaching—he believed that in such a case it would be possible to introduce such a machinery as would effect the object they had in view. He saw no reason why they should not come to a conclusion—to such a conclusion, at all events, as would permit the Bill to be read the second time, and to pass easily through Committee. There must be concessions made somewhere. It was impossible that the Bill could be satisfactory as it stood. He believed that it would defeat its own object, even if it was settled upon the basis laid down by his right hon. Friend. He was sure that it would be a bitter disappointment to his right hon. Friend to find that the Bill did not work as he expected it would; and he (Mr. Miall) implored him—and the Government of which he was a Member, and the right hon. Gentleman at the head of it, to consider whether it would not be possible so to alter that principle of the Bill which had been selected for disapprobation in the present Amendment, as to solve this religious difficulty in the House itself, and not to send it down to be a source of perpetual torment in the social relations of the people, especially in the villages. What were they sent for to that House? This question engaged public attention at the time of the election. He himself was pledged by his constituents to vote for unsectarian and undenominational education. He believed that they could arrive at a conclusion as to unsectarian education, if they were only to come to the consideration of the question with the determination to accomplish such a settlement of it. And if they could do that, if they could arrive at a friendly settlement on a basis which he was firmly persuaded existed, why then the Bill might easily pass through Committee and become law before the end of the Session. He should be extremely sorry if a measure for education should be endangered by the principle—the false principle, as he believed—contained in the Bill. Let them get rid of that principle if they could. At all events, let them consider if they could not get rid of it. And having done so, he thought they should have then done their best towards the accomplishment of the great object they had in view.

SIR ROUNDELL PALMER: Sir, although the hon. Member who has last spoken expressed his willingness to accept his full share of responsibility for the Amendment, I cannot but think, from the tone of the latter part of his speech, that if it rested with him we should be permitted to read the Bill a second time, and go into Committee upon it. In Committee the hon. Member would be able to make suggestions, probably well deserving our consideration, and by which the difficulty now present to his mind as one of principle might be avoided. It is unfortunate that that course cannot be taken; for in a great measure we are fighting in the dark over this Amendment, not knowing what concessions would meet the difficulty and satisfy those who support the Amendment. Principles have been brought into controversy in this discussion, and as some of them are of great importance, and have been stated with great distinctness, it is right that those who take part in the debate should address themselves to that part of the question, and make their own views in that respect clearly understood. That causes me to recur to a remark in the speech of my hon. and learned Friend the Member for Stroud (Mr. Winterbotham). I have seldom listened to a speech with such mixed feelings as I felt during that address. On the one hand, it was the speech of a personal friend for whom I have a great and sincere regard, and on that account there was much in it to which I listened with interest and pleasure. But in spite of its great power, the beauty of its language, and its tone, which was in many respects worthy of my hon. and learned Friend as an educated man who entertains a due regard for the feelings of others, I do not regard it as a very valuable contribution towards the settlement of this question. If there is anything which is necessary to arrive at that settlement, it is that an endeavour should be made, at all events, to disarm and mitigate the jealousies, the alarms, and the mutual distrusts of differing religious bodies—that we should make the least of these differences as far as we conscientiously and honestly can; and that we should by our influence, and by the language which we use on these public occasions, do all we can to remove such feelings from the minds of others. My hon. and learned Friend, I am sure, did not intend to create difficulties to increase irritation either in this House or outside of it, or to postpone the settlement of this question to a remote period; but I must candidly say that many things fell from him in the course of that speech which lead me to fear that such may be its practical tendency. My hon. and learned Friend said that "the intelligent co-operation of the people" was pre-eminently necessary to the settlement of this question. I quite agree with him. But what are the conditions on which we are to secure that intelligent co-operation, and to what quarter must we look for it? Surely, you cannot exclude from your contemplation so great, important, and powerful a body of people as those who are attached to the Established Church. Can you possibly expect to settle this question unless you meet on equal terms, and, so far as you can, on common ground, both those who belong to the Established Church and those who are connected with other religious denominations? If you are willing to do that, you cannot possibly dictate your own terms, which are entirely opposed to the convictions of a large and powerful body of the people. If ever this question is to be settled, you must endeavour to reconcile their convictions with your own; and I cannot but think that the views advocated by my hon. and learned Friend are such as never could be accepted as the basis of a common system of national education by that portion of the people who belong to the Established Church. Further than that — if you desire the intelligent co-operation of the people—as want it you must—is it possible to refuse to look to those who have hitherto shown the greatest practical interest in this question?—I am not speaking of the Church only — I am speaking of all those religious bodies who have been concerned in raising the fabric of the existing system of voluntary or denominational schools. Is it possible to talk of the intelligent co-operation of the people without looking, in the first instance, at all events, to that great body of the people who have hitherto done the whole work, and have established all existing schools? Surely, these are the practical friends of education? There may be other friends who have not yet contributed in an equal degree; but you cannot set these aside as if as they were altogether in the wrong — as if their views and principles were to be left out of view, or ought to be superseded as soon as possible! You cannot expect the intelligent co-operation of the people in a system which leaves out of sight and practically condemns all that has hitherto been done by those who have founded the existing system of voluntary schools, and the principle on which it has been achieved. Sir James Kay-Shuttleworth, in a Memorandum which he published two years ago, estimated the number of children in State-aided and inspected day schools at 1,250,000, and calculated that in unaided schools there were 1,000,000 more. Speaking generally, these are schools, which are not only voluntary, but also denominational. The residue to be provided for was estimated by him, I think, at 1,250,000 more; so that you have got nearly two-thirds of the whole ground already covered by the voluntary operations of those denominational schools. My hon. and learned Friend, although not thinking they have been going on a good system—although practically condemning them and their system—has frankly admitted that there would be such a waste of power and of resources in attempting to set them aside, that he does not propose to do so. But it is evident that if you do not want to set them aside —if you wish to co-operate with them and with that system, you must adopt means which are in their spirit and tendency co-operative with and not antagonistic to them. You must not seek to supplement them by a system intended to sweep them away, or absorb them and swallow them up. For, even if that were desired to be done, what would be the immediate effect of your attempting to do it? Why, you would throw the whole of that powerful mass of zeal and all the persons interested in those schools into practical antagonism to your system. Instead of getting co-operation and extension, and a truly supplementary system, you would introduce an educational warfare, with results which, I am satisfied, would never accomplish your object nor any other object that is really for the public good. By the way, I should like to ask a question about the meaning of this Amendment, for among the other ambiguities in it one that struck me arises from its peculiar phraseology. It says—

> "That no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools"—what schools? —" in schools supported by public funds and rates to be determined by local authorities."

When I first read that I thought it referred only to rate-supported schools under this Bill, and that the local authorities meant were only the school Boards proposed by the Bill; and perhaps that may really be the meaning of the Amendment. But I find "public funds" as well as rates mentioned; and the term "local authorities" appears capable of being extended to the managers of those schools which are aided by public funds as well as those to be constituted out of the local rates. [Mr. DIXON intimated dissent.] I understand from the hon. Member for Birmingham that is not his intention, and I am glad to have that assurance; but there again the language of the Amendment, at least, involves a principle which would condemn assistance to existing denominational schools from public funds, if the local authorities who managed them were capable of determining the question of religious instruction. Although not intended to have that effect, the language might be so construed, and the principle, however you may limit the words, goes to that full length. But I will assume it to be the opinion of the House that we ought to co-operate—that is, in good faith, to co-operate—in the spirit of good-will and not in the spirit of antagonism, which is, of course, no co-operation at all—with the existing system of denominational schools. Well, if that is your intention—if your object is to cover the ground which they do not cover, to reach the children whom they do not reach, to carry home by these combined means the opportunities of education to every child in the kingdom—how will you best proceed to do that? I apprehend that manifestly your supplementary system ought to be local; because in that way it will be elastic, it will adapt itself to the varying wants and circumstances and condition of the different districts to which it is applied. Difficulties may exist in some districts which do not exist in others; there will be wants in some places different from the requirements of others, and your system, therefore, should be local, in order that local wants may be met by those who understand them on the spot, and who have to find the money to supply them. But if that be so, the local authorities must have as much of freedom as you can possibly give them, consistently with such general principles as Parliament may itself see its way to define in the Bill. And if you wish that system to succeed, can that freedom stop short of enabling them to get the kind of education which they really want? I ask the House to notice that this is the very condition of the argument; because what is the meaning of all this discussion unless you believe that the local authorities in many parts of the kingdom would desire to have religious instruction if they were permitted to have it; it is the condition of the argument that in many places that is the thing which they want; and, of course, if it is only a question of the relative majority in a divided community which is to determine this point, that is evidently a matter that may be arranged in Committee. Whether the majority should be a simple majority, or should be fixed at two-thirds or three-fourths, or at whatever other proportion, is a question that may be fairly considered in Committee. But it is, I repeat, the very condition of the argument that you assume that if you give them this power it will be used; in other words, you must assume that the local authorities in many cases do want to have religious education, and will have it if you allow them. Then do you suppose you will have the co-operation of this supplementary local system if you tie their hands behind them upon points to which they attach the greatest importance, and say they shall not supply their own real wants, such as they know them to be? Of course there might be reasons for doing that; but one thing is quite clear—it must diminish in the greatest degree the efficiency of your system. And the practical effect of such a scheme, on the assumption which I make that in many places the preponderating majority of the local communities, knowing their own wants, would desire to have not a purely secular but a religious system of education, would be that you would paralyze their zeal, destroy their interest, and would not have their really willing co-operation. The local authorities would not be willing to tax themselves, and it would be necessary to call in that interference of the State—of the central governing power, which this Bill provides for in cases of emergency. But that would inevitably break down if you called it in on any large scale. What would become of the scheme of raising local rates all over the country for education if the ratepayers in those places could not have their own way about it—if they were not to have the sort of education they wanted, and if a Department of the Government was to impose local rates upon them? Is it not perfectly plain that the whole country would be thrown into a flame, and that the system would soon break down under its own weight? It is contrary to the principles of our Constitution, and contrary to our system of government, to throw upon any other authority than the local communities the determination of a question of local taxation—if it is to be determined at all. Safeguards to protect the minority no doubt Parliament may and would provide; but if there are to be supplementary schools maintained by local rates, you must give a practical discretion to the local bodies; and if you do not allow them to have such an education as they want, they will not be willing to tax themselves for a different sort of education, and the State would be totally unable to compel them to do it. I may be excused for referring on this subject to an extract which I have made from the same Memorandum which I mentioned before of that eminent man, Sir James Kay-Shuttleworth; for surely no man brings greater experience or judgment, or a more fair and impartial mind to the consideration of this question. He says—

> "A measure for establishing a rate-in-aid of school incomes cannot be successful in opposition to the feelings and opinions of the religious communions; and it would lack both stability and efficiency if it did not obtain the active co-operation of the landed proprietors and of the intelligent and educated portions of the middle classes of rural parishes."

Well, these are the conditions which you must observe in your scheme. Anything adopted under the influence of any theory whatever—under the influence of any political organization whatever—which violates those principles and deprives you of that co-operation, would be fatal to the practical working and success of your scheme. You would not and could not get that universal system of national education which you want; and if you superadded the element of compulsion, of which we have heard so much, it would become an intolerable tyranny. I say that without the least hesitation. We do not live, like some Continental nations, under Governments which can do almost what they will in these matters. The Government of this country cannot force upon the people, who are to tax themselves for it, a system of compulsory national education which shall not be in accordance with the national sentiment and feeling. No jealousies or rivalries of Churches or of sects will make such a thing go down in this country. I have said nothing at present about my own views as to this so-called—and, I am afraid, truly called—religious difficulty. We have been in hopes, from a good deal that we have recently heard, that the religious difficulty was diminishing, was disappearing, and approaching its vanishing point. I am afraid that difficulty has expanded again into rather considerable dimensions during this debate. I own—and I say it with great regret—that I cannot think it now comes from those from whom it would formerly have been expected. We have heard much of unsectarian education. If the religious difficulty has been inflamed on this occasion, I think it is on the part of those who talk of unsectarian education. I want fairly to put this question to the House—Is the mind of the country, on the whole, in favour of the principle of religious education or in favour of secular education? Now, I take two tests. One is that which I have already noticed—namely, this Amendment. If the mind of the country were in favour of secular education, you probably would trust the local authorities. But this Amendment, which refuses to trust the local authorities, I cannot but think proceeds upon the view that, as a general rule, or at least in a large proportion of cases, the majority would be in favour of religious education. And this is not only to be implied from the expressions of the Amendment—the broad facts of the existing schools all show that the people are in favour of religious, and what, on the whole, is called denominational education. There is no doubt about it. The National and aided schools are denominational. The unsupported schools, although they may be very liberal, as the hon. Member for Bradford (Mr. Miall) showed, are generally denominational. The British and Foreign schools, though not denominational in the sense of being confined to any particular sect, nevertheless recognize the principle of religious instruction. In fact, throughout the country, wherever the spontaneous will of the people has enabled them to manifest what are the principles of education which they want and prefer, it has been shown in the shape of some form or other of religious education. Therefore, I say you have the important fact that that is the mind of the country, on the whole, at present. I do not say that in a sense exclusive of all secular schools, or condemnatory of them; but I say the plain manifestations of fact are that the general want of the country is an education which is of a religious and not of a purely secular character. There is a remarkable history to which I may refer in connection with that point, and in illustration of it, which perhaps I might not have thought of but for the manner in which the subject was referred to by my hon. and learned Friend the Member for Stroud (Mr. Winterbotham). My hon. and learned Friend seems to think that the Irish national system of education is the undenominational thing he wants. Well, if that be so—if something exactly corresponding to the Irish national system will meet the views of those who support this Amendment—I think our differences will not be so very difficult to reconcile when we get into Committee. Now, what is the history of the Irish national system? If it was originally designed upon the conception of a purely secular system, then I must say it is a remarkable instance of the truth of the line of Horace—

> "Naturam expellas furcâ; tamen usque recurret;"

for the minds of the Irish people are such that it is impossible for such a system to work in that country, or I venture to say in any other country where religion has the power which it happily has in this. Now, what is the history of the Irish national system? It was designed to provide for joint literary and separate religious instruction, to which moral instruction was afterwards added, but still in the same schools and by public authority. There was at first only one class of schools, called "vested schools"—that is, schools in which the fabric was vested in the public authorities. But that class did not satisfy the wants of the people, and the Presbyterians in Ireland afterwards suggested the addition of a second class of schools, which are called "the non-vested schools," where private persons supply the building, while the money to pay the schoolmaster and to furnish the books is, as well as in the vested schools, principally found by the State. What is the relative proportion of those two classes of schools now? The non-vested schools are to the vested as 4,000 to 1,000. In both classes practically throughout Ireland—I do not mean in every case—the priest or the clergyman is the patron and manager, and appoints the teacher. Under the rules the religious instruction is given according to a time-table in both classes of schools. Sometimes it is given in the middle of the other lessons, sometimes before or after; but with this distinction, that in the vested schools other religious teachers besides the teacher of the school, or, in other words, besides the schoolmaster nominated by the priest or clergyman, may enter and give instruction—which I believe in practice they never do. So that the religious teaching given under that system is practically given by the schoolmaster, though, according to the time-table, and at different hours from the hours of the other instruction. But the non-vested schools are under this rule which I will read to the House. The 9th rule of the Irish system says—

> "In schools not vested, and which receive no other aid than salary and books, it is for the patrons or managers to determine whether any, and, if any, what religious instruction shall be given in the school-room; but if they do not permit it to be given in the school-room, the children whose parents or guardians so desire must be allowed to absent themselves from the school at reasonable times for the purpose of receiving such instruction elsewhere."

The manager or patron may practically determine what religious instruction is to be given in the school-room. That may be right, or it may be wrong; but the practical operation of it is, that in the greater number of the State-supported schools in Ireland the Roman Catholic religion is taught, and in others the Protestant religion, according to the tenets of the different denominations. To talk of that not being in substance and practice very much the same thing as a denominational system does appear to me a very difficult proposition to understand. So much for the result of the attempt that was made to establish a purely secular system in Ireland. I do not know whether anybody thinks there is a purely secular system in America; but I have here a very interesting letter, which appeared as recently as yesterday in *The Times*, from Mr. Rogers, of Bishopsgate, one of the most liberal and enlightened clergymen in the Church of England, and one who has laboured most effectually in the cause of education. Mr. Rogers says—

> "And here I may remark that I was very much struck with the religious element in the American schools. The opening ceremony is a most edifying scene, well calculated to impress the children. The whole school assembled together in one room, a short psalm, read in the most reverent manner by the principal teacher, the Lord's Prayer repeated, and a cheerful hymn or song sung form an appropriate devotional introduction to the day's work."

There is the spirit of religion, at all events, whatever may be the specific instruction. I think, therefore, the practical result is that we must go far and wide among religious nations before we can find that willing and intelligent co-operation of the people in this secular system about which so much has been said. Now, let me ask whether majorities in this matter have not some rights as well as minorities? Suppose a community pretty nearly united in religion—or not much apart—thinking that they can very well reconcile the supply of education for their own wants, upon principles which they hold most important, with a due regard to the consciences of the minority: has the majority no right to have the education it desires—

without having struck out of it what it considers the most important part? It seems most absurd to expect the enlightened co-operation of the people or the success of any system of education if you will not concede that right to such majorities. Now, what is my idea of religious education? I do not mean, on the one hand, that the State is to proscribe a certain set of dogmas, or to prescribe any set of dogmas—nor have I in view in my own mind any set of dogmas at all; but what I have in view is this—that where morality is founded upon religious belief the two things are inseparable, and if you wish that which is the rule of life, the principle of conduct, to be taught—which is of much more importance than any secular education—you cannot tie the hands of the teacher behind his back and tell him that he shall not speak of what he really believes, that he shall not refer to the highest sanctions for right and moral conduct, or to those truths and facts of religion which he believes to lie at the foundation of those sanctions. You cannot by any possibility lay down a law by way of exclusion or proscription against religious teaching in any formula whatever, without running the risk of crippling that which is of essential and vital importance—the power of teaching the rule of practice and of life according to the sincere belief of the teacher. Of course, that rule is the foundation of all morality, and although, in a business point of view, sound instruction in every kind of useful knowledge is of the greatest importance, I venture to say that sound morality is the thing of most importance of all, both politically and socially. For my own part, I would rather that my child should be educated after the manner of the ancient Persians, who were only taught to ride, to shoot, and to speak the truth, rather than that he should be taught all the sciences in the world without the inculcation of that moral principle which is involved in "speaking the truth." How can you, in a religious people, among a people who believe that morality is founded on religion, expect education in morality to prosper if the sources and foundations of morality are not left free in the hands of the teacher? I do not believe it possible. I come now to the examination of that other idea—the secular one. It presents even a greater difficulty, because I do not really know what it is which, according to that idea, would be allowed or disallowed. In his able and temperate speech the hon. Member for Birmingham (Mr. Dixon) said a great deal which looked as if he would be satisfied with separate religious teaching in the school while the secular education was given at another time. Well, that is a question of arrangement not very difficult in a religious school. Of course, in a school in which you have separate religious teaching by a man who believes in religion, it is certain that all the other teaching will be given in a religious spirit; and if that be the only difference between the hon. Gentleman and myself, we ought to be on the same side, and not now discussing this question. I observe that my hon. and learned Friend the Member for Stroud (Mr. Winterbotham), in harmony with the sincere and touching words he uttered as to his own feelings of reverence for the Bible—which words I have no doubt expressed the views not of himself alone, but also of those for whom upon this occasion he has been spokesman—has placed the following Amendment on the Paper:—

"In any school maintained wholly or in part out of local rates under this Act no religious instruction shall be given or religious observances practised other than the reading of the Scriptures."

He would permit the Bible to be read, and, to that extent, he would leave the question of general religious teaching with rate-aided schools to be settled by the local authorities in each case. I should have liked to hear from my hon. and learned Friend a clear statement of his own opinion, whether the Bible should or should not be taught in the schools. That his sentiment would be in favour of it I see as clearly as possible; but, whether his theory would permit him to give effect to that sentiment, I, observing his silence on the subject, entertain a great deal more than doubt. I wish my hon. and learned Friend would trust his heart more than his theories. A theory with which our own feelings and sentiments do not accord is seldom sound or true and will seldom command the co-operation of any intelligent body of men. I would now, with permission of the House, say what I myself think about this secular instruction. And first, let me remark that there is all the difference in the world between an armed and a friendly neutrality. I take it that the friendly neutral is the man who will be with you as much as ever he can; the armed neutral is he who is all but an enemy. That applies most truly in this case. Indeed, if the House will excuse me, I will venture—because the subject we are dealing with is a very serious one—to refer to one of those sayings which fell from the lips of Him to whom we all look as the teacher of all truth—"He that is not with us is against us," and "He that is not against us is with us." A secular school, founded by persons who would prefer religious education, in places and under circumstances which will admit of nothing better, is friendly to religion and may be penetrated by the spirit of religion throughout its whole administration. I entirely agree with the eloquent words of Bishop Thirlwall, which are quoted in a recent speech of the Rev. Mr. Caldicott. They are these—

> "I do not think that a school in which education is confined to mere secular subjects, is, therefore, of necessity irreligious. I believe it may be a school of morals, as well as of learning; acting upon the habits and character by discipline, precept, and example, and thus opening the way and disposing the heart for an intelligent reception of religion."

I remember many years ago in this House saying that, looking to the peculiar circumstances of Ireland, I could not agree with those who called the Colleges founded by Sir Robert Peel "Godless Colleges." They seemed to me to be as good institutions as the circumstances of Ireland were susceptible of at that time; and if that be so, there is no necessary antagonism between a secular school and a religious school, between secular knowledge and religion; but I cannot extend the same remark to that phase of the secular idea of education which proscribes and puts itself into opposition to religion. The Amendment before the House, and the party who support it are, as relates to this Bill, in a position of armed and not of friendly neutrality, for the Amendment proposes to cast out of the measure the power of giving religious instruction, in places where it is practicable to give it, and where it would be valued and desired by the people. My hon. and learned Friend has quoted some of the flowers of our literature, and I, following him somewhat, would remind the House of the manner in which Plato in his Republic treats the poets. They are received with the greatest honours, crowned with flowers, and conducted with music and dancing over the frontier, and put out of the land. That, I confess, appears to me to be the sort of respect which is shown to religion as an element of education by those who say it shall find no place in any school supported out of the public rates. They are an instance of those who, because "they are not with us, are against us." It has been said, however, that we do not by any means cripple the resources of religious instruction by excluding it from the schools, and requiring that all the instruction given there shall be secular. On this point I should like to speak a few words of criticism in reference to a sentence in a speech recently delivered by the Rev. Mr. Caldicott, an able man, master of a school in Bristol, and a clergyman of, I believe, the Church of England. That rev. gentleman said, that religious instruction may be given separately "by the ministers of religion and the parents, whose proper business it is." I agree with him that the parents have a duty in this matter—and if they discharged it better there would be no necessity for our discussing now, how the State shall supply the educational wants of the people—and that it is one of the most sacred duties of ministers of religion to teach religion wherever they have an opportunity; but I protest utterly against the notion that it is the proper business of parents and ministers of religion only. The real truth of the matter was very well expressed some time ago by the Rev. Mr. Caird, a clergyman in Scotland, who, in a well-known sermon on *The Religion of Common Life*, said, in effect, that if religion is good for anything it is good for everything: it should penetrate every part of life; there is no phase of instruction which the religious spirit will not and ought not to influence and modify and colour. Therefore I say that the idea of telling children to learn something useful in a secular sense at school, and to learn religion elsewhere, is in substance to put religion in a point of view which is false, if there be any truth in religion, and at the same time to teach the young to regard it in that false light. Having said so much about the rights of the majority, I should like to say a very few words about the rights of a minority. I entirely agree that those rights ought to be protected, and that there are a considerable number of securities for their protection which would still exist, whether the Bill were passed as it now stands, or in a modified form, the result of consistent and reasonable amendment. It is true that we have lately heard that the Conscience Clause is not of any value; and perhaps the hon. and learned Member for Stroud, who still has some faith in it, may soon find himself in a minority. It seems to me, however, that if the parents are satisfied, nobody else has any reason to complain. The children manifestly at that tender age are no judges either one way or the other, and if those who are morally and legally responsible for the children are satisfied I cannot see how anybody is injured. As to what has been said about the inconsistency of giving a Conscience Clause and at the same time objecting to secular education, it is exactly one of those cases where the influence of the religious spirit, in the general conduct of the school, will extend even to those who are unavoidably prevented from receiving the direct religious instruction, The objection is purely theoretical. The Rev. William Rogers, in his letter to which I have already referred, says—

> "The religious difficulty does not exist in the practical working of the school, and is never raised by the parents, who are perfectly satisfied if the general tone of the school is good and the children make progress in their secular learning;"

and, then, contemplating the possibility of there being some places in which a spirit of strife might arise, the rev. Gentleman proceeds—

> "Meanwhile, the parents, who are the most interested, will take no part in the fight, and will continue to send their children to the school, if, in their opinion, it is a good one and satisfies their requirements."

If that is the state of mind of the parents, there is no very great harm done to them or to their children. I do not, however, myself agree with those who think there would be a practical tendency to perpetual strife in the working of this Bill by the local authorities. I do not think that such experience as we have of the conduct of educational institutions by such agencies justifies that expectation. The City of London School is conducted by the Corporation of London, and is a school where education is given upon religious principles, but in a manner perfectly inoffensive and unobjectionable to all religious denominations. We are told that the Grammar School of King Edward VI., in Birmingham—an institution of perhaps a still higher grade than the City of London School—is conducted on the same principle, and with precisely similar results. I have had the honour to sit for two English boroughs in this House, and in each of those boroughs I find an instance of what I am urging upon the House. There is in Plymouth a most useful and efficient school—one of the best in the West of England. It is managed by the corporation, but there is no strife, religious partizanship, quarrelling, or attempt to produce discord in the managing body; and the same remark applies to the school in the smaller borough of Richmond which I have now the honour to represent. On the contrary, it is my belief that the tendency of such bodies as vestries and corporations when they are met to discuss questions of common interest to them all will, in the long run, be in the direction of agreement, and, therefore, I look upon the power those bodies will possess as being another safeguard for the consciences of the minority. There is another safeguard not to be lost sight of. I allude to the clergy themselves, who will not wish that in these rate-established schools their office should be discharged for them; they would wish that the schools should be conducted on religious principles; but they would not aim at making them clerical schools, not only because, as a general rule, they could not do it, but because they would desire the authoritative instruction of the children of their congregations in the catechisms and formularies of the Church to be given under their own superintendence and control. But there is something even stronger than all that I have mentioned, something which makes it appear to me that nothing can be more chimerical than the alarms which have been raised or than the suggestions which have been made as to concurrent endowment, or a revival of anti-church rate agitation. The proposal made by this Bill has no more in common with the support of religious worship or the building and repairing of churches than would be the case with any other measure brought before the House in the ordinary course of business. In the nature of things you can have no reasonable ground for apprehending that any great amount of sectarianism will be infused into the minds of poor children under the age of twelve or fourteen years. You will not muzzle the teacher, you will not prevent him—at least I think you ought not to prevent him—from teaching what he believes to be true, according to the manner in which he himself has received it; but this is certain, that into the minds of these poor children, even if he tries to do it, he cannot convey theological definitions and distinctions, though he may instil some notion of those great facts and truths of religion which are generally agreed upon by all denominations of Christians, and upon which the practical duties of religion rest. I am putting aside, for the present, the question of catechisms and formularies, which is quite a distinct matter, and which you may, if you please, very well consider the propriety of allowing to be used or not. I put that aside. I am not now contending for the teaching in these schools of catechisms and formularies. What I am contending against is the proscription and ostracism of all religion in the teaching of the school. You may depend upon it that no harm can possibly be done. The minister of any persuasion will take care of the child as far as he can; but, whether he does so or not, I am at a loss to see how it is possible for poor children of twelve or fourteen years of age to be injured by any knowledge of religion they may imbibe at school. They cannot be debarred from going to the Sunday school; and if the parents will do their duty they will learn much of practical religion, though perhaps not much dogmatical divinity or the tenets that separate one denomination of Christianity from another. The children cannot be made controversial divines. It is idle to talk as if they could. I said just now that there was no fear of anything like a revival of the agitation which we remember against church rates if this Bill should pass. But there is a way in which agitation may be created, and it is a very simple one. Proscribe religious teaching, impose your secular dogmas, make it the law that there shall be no religious teaching in schools, and depend upon it you will have agitation enough. There is not a man in the kingdom, attached to the principle of religious education who will not oppose your rate system and your compulsion, who will not resist your dogmas imposed against his will, who will not denounce your scheme of education, coming to him, as it does, in the form of compulsion, as odious and tyrannical. There was a part of my hon. and learned Friend's (Mr. Winterbotham's) speech which was very eloquent, but I do not think it was equally wise. It was that portion in which he referred to the relative attitude of the Church and the Nonconformist bodies. The Church, he said, has the advantage of being established; the Dissenters, as a body, feel themselves either actually or apparently at some social disadvantage in comparison with the Church; and some Churchmen have spoken of Dissent in strong terms of reprobation, coupling it with other evils to which I will not refer. I do not think it was worthy of my hon. and learned Friend, nor do I think it was conducive to the settlement of this great national question, to refer to those circumstances. Of the facts which he mentioned some are inevitable; but as far as they are not inevitable I am afraid they will not be mitigated by such a mode of reference to them, as he has adopted, speaking in this Assembly. They are inevitable to this extent — that they represent and arise out of real differences of religious opinion and real separations of religious communion among different bodies of Christians in this country. In some respects, probably, this separation may not be without its benefits, because each body is thereby stimulated to greater exertion, and a check is imposed upon abuses into which, in the absence of such competition, they might possibly fall. Nevertheless, all good Christians must regret the disunion which thus arises, whether it be the difference of belief, the disunion of feeling, or the impediment to what would otherwise be co-operation in good works. At the same time we must acknowledge the fact that such disunion does exist; and, while that is the case, neither one side nor the other will be the better for mincing matters, or for talking hypocritically as to the relations between them. And, therefore, if I read or hear that any Dissenter has spoken of the Church in a manner not in harmony with my feelings, I remember that he is a Dissenter; I give him credit for being a conscientious Dissenter, and though I may believe him to be mistaken—perhaps in some matters painfully mistaken—I recognize that these are subjects upon which men may honestly differ. I see in his mode of expression merely the representation—painful sometimes, but in all cases honest—of his own actual attitude towards those from whom he differs. So long as on important subjects such differences exist—each man sincerely believing himself to be right—so long each must desire to influence those over whom he has influence, in accordance with what he believes to be the truth. But I beg to observe that if the Church were disestablished to-morrow—an end to which some of the observations of my hon. and learned Friend seemed to point—the same practical division of religious opinion would still exist. Churchmen, though no longer enjoying the same temporal advantages, would still hold exactly the same religious belief, would still be a great moral and numerical power in the State, and the difficulty of bringing about union between them and the Nonconformists would remain as great and as pressing as it ever had been. Surely, upon this subject of education one would have thought, for the reasons I have given, that it might be possible for men to come together upon these terms—that where there was a majority, that majority should have its preponderating influence; and where there was a minority, that minority should have its due and sufficient protection; the object being a great, a national, and a common object. I own I should have thought that this was a point on which, by the efforts of good men, some approach to union might have been made—not upon the terms of proscribing that which both sides hold most dear, lest by possibility the scale should incline a little more in one direction than the other—but upon the terms of making the most of those points on which they all agree, of promoting that education of neglected children which is for the benefit of the whole nation, and possibly finding, in the long run, that there are a greater number of points on which they were agreed, than either of them had supposed. I own that it will be to me a matter of deep and sincere regret if the general influence of the Nonconformist body should be thrown into the scale, for the purpose of excluding from our schools the influence of that religion which, after all, they hold in common with ourselves, and which is dear to them as it is to us; and if, for the sake of an object so little in accordance with the best sentiments and feelings of their own hearts, they now, at a moment like the present, run the risk of rendering impossible this great work of national education.

MR. AUBERON HERBERT said, that one advantage, at least, had been gained by the recent discussions throughout the country upon the subject of education, and that was that all persons, whatever their previous opinions, had become aware of the failure of the existing system of education, and that a very large gap had been left unfilled. ["No!"] If hon. Gentlemen who disputed the statement would examine the Reports of the Privy Council for 1868-9 they would find data to show that about 1,500,000 children had either been totally neglected or were so unsatisfactorily educated that their education could not be counted at all. But it was unnecessary to slay a slain enemy. The question was, how the system had failed, and what lesson was to be learnt from its failure. It had failed, in his opinion, because it addressed itself to one-half of the people, and only professed to be a partial system; and because the State had transferred to other hands responsibilities which it ought never to have parted with. This great country, with a revenue and expenditure of something like £70,000,000 a year, had chosen, for a paltry sum of £400,000 a year, to accept contributions from private persons, to enter into a sort of partnership with them, and to allow them to take out of its hands the greatest and most important duty which the State could discharge. It was thought by those who defended the system that the State used those people; but he, on the contrary, believed that they used the State. He ventured to put it to the House whether it would not have been simply impossible for this system to have lived a single day after the country had once become aware of its results, if it had not been for those most unfortunate vested interests which had grown up and prevented their forcing upon the State the discharge of its duty to those children who were uneducated. The lesson they ought to learn in future was this, that in creating a new educational system they should avoid the old evils. He had never been in favour of sweeping away the existing schools. He did not like the denominational system—he did not think that in any sense it had acted well for the nation, but he was perfectly content that the present denominational schools should go on in their present form. What he did ask was, that when at this moment of reconstruction they were going to build by the side of the old system, they should plant schools which would better express the principles that were in the minds of the people—schools that should be truly national, and should rise above all partiality and sectarianism. He now came to consider the Bill which the Government had placed upon the table. And let him, in the first instance, express his sincere thanks for some of the provisions of the Bill. It was with great pleasure that he recognized in the Bill the principle of the school Board, the principle of a rate, and the principle of compulsion. He must also say that the principle of free schools—though they came into the Bill with a sort of apology for their place there—having once been seen on the blue paper of the Government Bill would never be lost sight of again. The English nation in these matters never went backward; what they once gained that they gained for good. But he should be very sorry if they were not able to extend this principle to its proper and legitimate development—the only development by which it could work successfully. He now came to consider the other clauses of the Bill which had given so much offence to those sitting on that side of the House—he meant the clauses that allowed a school Board to apply school rates to assist in creating denominational schools. He owned it was to him matter sometimes of amazement, sometimes of incredulity, and sometimes of despair to think of these clauses. He could not believe that it was the hand of the right hon. the Vice President of the Council which had traced these clauses. He was perfectly certain, after his right hon. Friend's declaration of last night, that if he wrote them he did not write them with his eyes looking across to the other side of the House. He rather thought that while his right hon. Friend slept some enemy came and did this—some enemy came and sowed these tares with the wheat; but he hoped his right hon. Friend would join them in trying to destroy them. What would be the effect of these clauses? What would, first of all, be their effect in the country districts? If they examined the state of the country districts, they would find that even at present the grant system worked very much in favour of the Established Church. They had only to look back at the Returns from 1839 to 1868 to see how much more the Church had profited by the educational grants than any — than all the other religious bodies put together. If they loooked back, they would find that the Church had drawn public money in that time, for educational grants something over £6,000,000, while other bodies had drawn something under £2,000,000. For buildings the Church had drawn about £1,200,000, while the denominations had drawn just over £200,000. And if they examined the Return for 1868 they would find that 87 per cent of the money granted for buildings went to the Church. "Now, if these things were done in the green tree, what would be done in the dry?" What would it be when they applied their rates to the large number of Church schools that were not now assisted by the Government, but which covered the country? The National Society informed them in their report that there were only 330 parishes in England to the inhabitants of which Church schools were not accessible. All these Church schools, therefore, were waiting to be fed by the rate they were going to give them. Let him say, in the most distinct manner, that there was not the smallest cause of quarrel with the Church for making the best use of this system. She had a distinct right to do so. But could they expect the country to look with favour and approval on a system which worked so much to the advantage of the Church? Could it be conceived that they would accept that state of things as readily as she did? Were they not guilty of unjust dealing in establishing and perpetuating a system which worked so much in her favour? For what was the position of affairs as between the Church and Dissent? The Church was powerful, wealthy, with fashion and almost all the land in the country on her side. On the other hand, Dissent was poor, unfashionable, with so little of the land of the country in its hands that often it could not even get enough on which to build a chapel or a school. Was it fair with so great a difference between the Church and Nonconformists to continue a system which worked so eminently to the advantage of the one and so much to the disadvantage of the other? How would these clauses work in the small towns? Religious results were perfectly uncertain; the only thing certain was strife, jealousy, and confusion. But when they came to consider the case of the large towns, he had very little doubt that, after a little time, they would work through various phases of unsectarianism to secular education; and he believed those hon. Members who at present were most opposed to secular education would most gratefully welcome it when they saw it at last established as the means of peace and co-operation. But he did ask why they were travelling by that road to such an end? If there was anything to be learnt by experience, it was that Government should not throw money down to be scrambled for—especially when it was to be applied to religious purposes. It was temptation enough for a sensible man when money came in his way; but when money was mixed up with religion it was enough to make men mad together. He knew that this proposal had been well received by the other side:—it reminded them of Church rates in other days. It was like a touch of the good old times coming back to them. He had heard both inside and outside the House a great many fears expressed about the consequences of secular education. They had also heard something of the growth of irreligion among the population, and they had even heard some expressions about "educated devils" and "intellectual apes." He regretted the use of such expressions. They were likely to call up among a certain portion of the people a feeling of resentment and bitterness. The working people did not consider that the monopoly of religion was in that House; they could not help seeing that the knowledge which they desired to have themselves was possessed by hon. Members who had used that knowledge for their own advantage, and they saw no reason why they themselves should not also possess it and use it for their advantage. He ventured to say that the effect of this over-anxiety to connect religion with education would call up the most unfortunate suspicions in the minds of the working men that there was some earthly motive which mingled with their anxiety for the spiritual welfare of the working classes—some idea that they would be made safer members of society—more likely to respect the rights of property, or privilege, or establishments—after they had been subjected to their formularies. In many foreign countries there was on the part of the working classes a fierce and intolerant spirit towards religion, which happily did not exist in this country, and he believed that that feeling on the Continent originated in this State interference. The people had this feeling—hon. Members might not value the instincts of the people very highly; but it had often happened in history, and he ventured to think that it might happen again, that the simplest instincts of the people were proved to be right—at present they had this instinct—that if left alone they would live peaceably together. They recollected the old bad religious laws by which they were almost driven to madness, and they desired that the State should keep back its hand and leave religion to broaden and work its own way among them. The people were not irreligious. They did not, perhaps, indulge in as great a number of formulas as many hon. Members did, but their hearts were open to the best and noblest appeals; there was no class to whom appeals in the name of all great principles could be made with a greater certainty of an answer. But nothing had fixed itself more deeply in his mind than this—that unless religion were founded upon equal and impartial dealing, and upon justice, the line between religion and irreligion would be very narrow. He could not help saying that he not only sympathized with the fear that had been expressed with regard to the possibility of their having to deal with an irreligious difficulty, but he himself shared in that fear. The sources from which that irreligion might spring, however, were not, in his opinion, those to which allusion had been already made. It seemed to him that every unequal law which was put upon the statute book—every law which expressed intolerance—was a great irreligious lesson which penetrated deeply into the life of the nation, and which poisoned all religion worthy of the name. He ventured to re-echo the words of the hon. and learned Member for Stroud (Mr. Winterbotham), and to ask, with him, for secular schools, but he should be at the same time content, according to the plan put forward by the League being adopted, to leave the school Boards to decide whether the Bible should be read in their schools or not at the commencement of the school hours. The proposal in the Bill to leave to the discretion of the school Boards the decision with respect to any particular religious teaching could not be justly compared with the proposal merely to give them power to decide whether or not the Scriptures should be read at the commencement of the school hours. He (Mr. Herbert) proposed to leave as little as possible to the discretion of the school Boards, whereas the Bill, on the contrary, proposed to allow them the widest possible discretion. The principle to be adopted in these matters was clear—namely, that only that which was common to all was to be taught in rate-supported and State schools. There were difficulties to be encountered in altogether excluding the use of the Bible from schools which would at once suggest themselves to the minds of all hon. Members. It was difficult to draw a line against any particular book; and he might state that although a labourer might be exposed to coercion that compelled him to send his children to a school where they received religious teaching, he would find no persons who would care to employ compulsion to make his children attend the reading the Bible in school. He would venture to say one word with reference to the Conscience Clause as the basis of a system of national education. The time was not long past when the Conscience Clause meant tolerance and concession. When it had that value it had been asked for and it had been refused; but now, when the time for it had gone past, and when the value of the clause had sunk in the estimation of the country, and when the country cared no longer for it, it was offered as the basis of the new system of national education. The Conscience Clause was in itself fallacious and illusory, for it was put forward as being the protection of the weak, whereas it was only the strong and independent man who could take advantage of it. In treating of the division of duties rendered necessary by the secular system he must complain of the false issue raised by the hon. and learned Member for Richmond (Sir Roundell Palmer), who had stated that the question for decision was whether it was desirable or not that a child should be taught religion. Distinctly and emphatically he (Mr. Herbert) declared that that was not the question at issue—the question was simply who was to teach the child religion—whether the various Churches or the State. In looking round the country, and putting aside for the moment the Church of England — with which he should deal in a moment—almost all the Churches had sufficient faith in themselves and sufficient independence and self-reliance freely and gladly to undertake the work of teaching their children; but to that rule there was one great exception—namely, the case of the Church of England; and when he recollected what was her wealth and her power, and her manifold advantages compared with those of all other religious bodies in this country, he could not help thinking that the air of establishment had proved relaxing, and that she would gain greater vigour if she were to breathe the more bracing air of voluntary work. The question was, who was to teach—not whether the work was to be done or left undone. He had spoken to many hon. Members who had been in America, and who had gone through that country with their eyes open, and they agreed with him in believing the general temper of the people of that country was more religious than that of the people of this country. ["No!"] Well, perhaps that was a matter that could not be determined off-hand; but there was one fact that was unchallenged — that the development of the Sunday-school system in that country was extremely remarkable—it covered the whole country and reached the greater part of the population. There was no fear, therefore, when we asked our Churches to undertake the work of religious education, that they would shrink from the discharge of their duty. It was not merely for the sake of the Churches that he desired that the distribution of the labour should be clearly defined, but for the sake of the State also. There were two maxims which should be laid down if it were desired that work should be well performed, and those were—first, that the work must be done by people who had that single purpose before them; and, secondly, that it must be done by persons who had single responsibility. Hitherto the State had not had that single responsibility, and those who had laboured at the work had not had that single purpose in view. It must have struck many persons, in the history of this and of other countries, society had always been ready to repress and to punish crime even with savageness, while it had been careless of instructing its citizens as to what crime was. He held it to be one of the first duties of the State to teach its children what were their rights, what were the rights of others, and what were their duties as citizens. This was what the State never had done, but which it ought to do if it took upon itself the responsibility of administering punishment. When the necessity for this division of labour between the State and the Churches had been fully recognized it would be requisite to establish side by side with the old denominational, semi-charitable and semi-ecclesiastical schools, a new class of schools, upon which the nation might look with pride and affection. He believed that the heart of the nation was very much like the heart of the individual man—it required something to love and to admire. At this moment it seemed to him, as regarded the great mass of the people, that there was no part of our institutions which they could look upon as their own. He wished to see growing up in this country an institution which would be worthy of their affection. Feeling strongly that these new schools should be secular or strictly unsectarian it was impossible for him to vote against the Amendment of the hon. Member for Birmingham; but he had used expressions to his constituents on the first introduction of the measure, which, in his opinion, did not leave him free to vote against it. It was with regret he found himself in opposition to so great and important a measure of the Government. He came into the House to give that Government his heartiest support; but he felt he had a higher allegiance than that which he desired to render to his right hon. Friend at the head of the Government—and that was allegiance to those principles upon which he believed the future happiness and well-being of this country must depend.

The CHANCELLOR of the EXCHEQUER: Sir, after all I have heard in this debate, I profess myself unable at this moment to understand the reasons which have induced the hon. Member for Birmingham (Mr. Dixon) to raise the question in the shape he has chosen. Generally, when such a Motion is made —and we all remember many instances of it—it is accepted as a mark of the most decided hostility to the measure at which it is aimed; but I cannot impute that motive to the hon. Member for Birmingham, who expresses at this moment the newly-awakened zeal of the nation on behalf of the question of education. I could understand the matter if the hon. Member had detected in that measure some one principle on which it is based and without which it could not exist, which appeared to him so wrong, so unjust, so deleterious, that he found it necessary to pick out that single principle for special reprobation. But the hon. Gentleman himself and I shall be agreed on this, that the principle which he has selected out of the many contained in the Bill is, as compared with the main scope of the measure, rather one of the minor principles. The Bill is spread over a vast space, and embraces a great portion of the subject of education. It contains a great number of principles, which may be affirmed and acted upon quite independently of the single principle with respect to which the hon. Gentleman has raised this issue. Therefore, it is a great pity that our debate on this most interesting subject, on these provisions of so wide and comprehensive a character, should have been, for no good reason that I have been able to divine, limited to the mere outside or fringe of the question. Now, Sir, look at the importance of the points upon which I do not think I exaggerate when I say we are almost all of us, on both sides of the House, agreed in principle, and yet we are not permitted to go into them because of a difference upon one single point. This measure, in the first place, does away with denominational inspection, and by that means greatly increases the force at the command of the Government for the purpose of investigating the character of schools, and seeing whether they deserve support. This would be a great economy in point of money, and what is more important I have no doubt would give a larger choice and opportunity of getting more efficient services than we obtain now. That is a very great point; but that is nothing compared with what follows. At present we really have no public education at all. Our public education, or what is called public education, is merely the humble and ancillary task, which the Government accepts, of following private benevolence and societies which interest themselves to educate the people. Instead, then, of leading boldly, we follow timidly. It is plain that we are not allowed to give our money where it would be most needful; we are not allowed to look at national education as a national question; we are not allowed to look at the wants of one part of the country and to balance them against another. All we can do was to find out who wanted grants. Well, this measure will completely sweep away such a state of things; or, rather, it does better than sweep away, because it shows that tenderness, fairness, and consideration which I, for one, contend is entirely due to those who, out of their own funds and private liberality, have founded the system of education which the country already possesses. No person could have been a more consistent opponent of the voluntary system than I have been; but I can render justice to those persons who, at great sacrifices, have raised many millions for the purpose of educating their fellow-subjects, and have taken upon themselves the duty which I have always thought was incumbent upon the Government. I rejoice that this measure is framed in the spirit of justice, fairness, and gratitude towards such persons; and that instead of committing the unpardonable rashness of sweeping away the present state of things, this Bill accepts all that has been done hitherto, and steps in to supplement the present system and make good its shortcomings. Not only is the measure calculated to be a saving of expense to the public, but it must be deemed wise and prudent; because the present system of education, defective as it is, has been matured by long, careful, and incessant labour, and it would be the wildest rashness if, for the sake of any theoretical perfection or any imaginary necessity for at once emancipating education from the denominational system, we rashly in a few hours destroyed that which it has taken some four-and-twenty years to bring to its present perfection. These are no small merits in this Bill, and there is a still greater merit in it. The Government is now permitted to look at education as it is —a really national affair; to divide the country into districts, after inquiring into the state of education in every district; to offer facilities to residents in districts to supply their educational wants; and if these educational wants are not supplied, to supplement them by compulsory measures as a last resort. These are the merits of the present Bill, and I am not surprised that all these things have met with so much support on both sides of the House. The Bill is founded not on any abstract dogma, not on any theory which we are anxious to cram down people's throats as to what will be the best system of national education, but it is based on English good sense; it appreciates what exists already, and tries to supplement and to improve instead of to destroy. Well, then, is it not lamentable, is it not melancholy, that when there is so much in the Bill we all agree to; when so much has been got over in this matter; when hon. Gentlemen who complain most of this measure have almost unanimously, as far as I can gather, given in their assent to the continuance of the schools already in existence on the same conditions as heretofore—is it not, I say, most melancholy that we should have passed aside all this, by far the larger part of the measure in which we all agree, and that we should have been, under the leadership of the hon. Member for Birmingham, forced to concentrate our attention entirely on the very narrow point which he has raised? Is it not a pitiable sight? It reminds me of a fine herd of cattle in a large meadow deserting the grass which is abundant about them, and delighting themselves by fighting over a bed of nettles in one corner of the field. Our agreement goes yet further. I do not apprehend any real difference of opinion amongst us on the point that when the voluntary system fails there is nothing left for us but to eke it out by rates. We go as far as that, and we are agreed also that the rating of schools founded by rates shall be connected with the Government, just in the same way as voluntary denominational schools now exist; that they shall be inspected in the same manner, and receive grants upon the same principle. But now comes the question. Of course, with any voluntary schools, where the money is collected by private individuals and found on the express ground that they wish to promote secular or religious teaching, we cannot pretend to interfere. As long as we take this money for this *quasi* public purpose it would be unreasonable to dictate the nature of the teaching to be given in schools these volunteers had founded; it would be more than unreasonable, it would be absurd; because, although you may put pressure on Government institutions, a voluntary institution will submit to only a certain amount of pressure. The only effect of going beyond that would be to make the subscribers retire from a task which proved so very hateful, and the institution would disappear altogether. Therefore, I think we have done wisely to content ourselves with two points, to assist the managers of voluntary schools on condition only that they should submit to undenominational inspection, and that they should submit in all cases to a Conscience Clause. I think we may fairly ask so much. I must confess, although I have not shown too great a leaning to the denominational system, I should nevertheless feel great regret if the House should interfere any further with private liberty in this matter. I should be very sorry to see the proposition carried out to forbid them to choose catechisms or formularies in the schools. These schools have not been prompted in many cases so much from a desire to instruct the people in general topics as from religious zeal. Now, Sir, we come to another point, and I have kept from it as long as I could. As I understand it, the chief objection is that the Bill of the Government has been so framed that where it is found necessary to call into existence a school supported by rates, the body which is appointed to administer the affairs of the school will be allowed to decide what the religious education given in the school shall be. More than that, the administrative body will have the largest powers conferred upon it. It may adopt the denominational system, the secular system, the unsectarian system, or any modification of these systems. Sir, the whole head and front of our offending in this Bill is that and no more. Now, I do not care to deny, in the least, that there are arguments, and arguments of force, which can be adduced against the measure. It is said—and, indeed, it is impossible to deny—that if you give that power to the administrative body you must expect to see, as a result, that which attends on such a power—namely, considerable heat and contention as regards the kind of religious instruction to be imparted. There cannot be a doubt that that will be the result. But it is quite certain, likewise, that if a majority exercises power in any way the minority will be dissatisfied. This is a thing which is inseparable from free institutions. Indeed, we who are so much wiser than borough councils, vestries, and assemblies of that kind, cannot carry on the business of this House without considerable heat sometimes, and, after a division, the minority does not always go away quite as contented as the majority. This, as I said before, is a result which is inseparable from freedom, and the hon. Gentleman (Mr. Dixon), therefore, finds fault with the freedom proposed to be given to these school Boards. I do not complain of that, for I am even willing to admit that there is much to be said against such a system. I should, however, like anybody to say what system human ingenuity can devise for the solution of this knotty educational problem against which there is not much to be said. After what has been said in the course of this debate nobody will maintain that the secular system is not open to objections. Mind, I am not arguing the respective merits of these various systems, but am merely endeavouring to show the impossibility of finding any system against which the most enormous objections may not be raised. For example, there is another system which is free from a good many difficulties—the system of separate religious and secular instruction; but we all know very well that many objections have been urged against it, and that it has given rise to fierce contentions ever since the national system was founded in Ireland. Another system which finds great favour with some hon. Gentlemen, and is also entitled to the consideration of this House, is what is called unsectarian education. But I can well imagine the strongest arguments being adduced against that. Persons may say—"You try to distinguish between dogma and precept, but, after all, what is dogma and what is precept?" Such an objector may say—"I can understand a total abstention from religious teaching, and I can also understand the teaching of the full doctrines of religion, but I cannot understand why a middle course should be adopted. Why you should put the Bible in children's hands and yet abstain from teaching your own tenets is a thing I cannot understand, because under the pretence of making a selection from those parts of Christianity on which Christians nearly all agree you are in fact making a new religion, or kind of deism, which is different from the belief of any sect." Thus he might go on, and I am sure that no scheme has been, or will be, devised in reference to education against which interminable objections cannot be raised. And therefore it is that we ask the House to allow the Bill to be read a second time, in order that we may get over obstacles which present themselves in Committee. We have, I think, reason to complain that the House did not give us credit for more sense than they have done. The House seems to suppose that Her Majesty's Government, having devised this scheme for leaving the religious question to the decision of local Boards—a plan which, at all events, will relieve this House from a great deal of trouble—had nailed their colours to the mast with respect to the most difficult and the most intricate subject in the world—a subject which is rendered a thousand times more difficult to deal with in consequence of the many different points of view from which it is regarded. Some hon. Members appear to imagine that we were so presumptuous as to think that we could lay down exactly what ought to be done, and that no pressure, or reason, or argument from any person, of however great authority in the matter, could influence us in the least, or prevent us, to use an American expression, from "putting our foot down," and insisting on the scheme being adopted in its entirety. Now, I venture to say, on behalf of the Government, that nothing can be further from the fact than such a representation. Most of us, I am sorry to remark, are not quite so young as we have been. We have seen a good many ups and downs in the world, we have experienced many failures and reverses, and we ought to know perfectly well that it is not by displaying a spirit of narrow dogmatism or by persistency in opinions we have once taken up, that this great, this intricate, and this difficult question is to be settled. Therefore, I say that we have not nailed our colours to the mast in the sense indicated. We have, no doubt, raised a question that may fairly give rise to difference of opinion. That question is before the House for their consideration; but nothing can be farther from the wishes of the Government than that we should be understood as throwing the least obstacle in the way of discussing it in the freest and fullest possible manner, and even of amending it in any way the House may think proper; for, instead of the Government clinging with dogged pertinacity to a particular view, there is not one of us who will not rejoice if any hon. Gentleman should point out a better way of promoting peace and concord, and of carrying out the object which we all have so much at heart. I hope we shall hear no more of any idea being entertained that the Government have nailed their colours to the mast that, as the hon. and learned Gentleman the Member for Stroud (Mr. Winterbotham) says, no concession will be made, and that we are determined to abide by the Bill to the bitter end. There is no such intention on the part of the Government. Everybody who knows anything whatever about such subjects must be aware that there is nothing in the world so difficult as to provide religious instruction for children which shall meet with a general and ready acceptance. There are so many different opinions on the matter that it is not easy to get anything which shall afford the means of a common settlement. But, Sir, that has been our desire. We have felt that every religious denomination should be consulted in this matter, and that, if possible, the question should be settled upon such a basis that no one sect would have it in its power to go away and say it had gained a victory over its neighbour, or that one denomination could boast of having been placed above the other. That being the case, the only question remaining was, as to how this great end was to be reached. We have suggested one way, and the hon. Member for Birmingham (Mr. Dixon) has suggested another. What, then, can be fairer than that we should go into Committee and argue out the question as to who is right, and which is the best plan? The hon. Member for Bradford—not the right hon. Gentleman who introduced the Bill—said he thought a dozen Gentlemen assembled in a Committee-room upstairs could easily settle the matter. I was glad to hear the hon. Gentleman say so, for, knowing his influence and ability, I am sure there is no prophet whose prediction is more likely to be verified. The hon. Gentleman, however, went on to express his belief that the matter could be settled in Committee of this House. If so, why do we not read the Bill a second time and then go into Committee, instead of first going into Committee in order that we may read the Bill a second time? The House will believe that I could well detain them longer on a subject which has occupied so much attention; but at this late hour I will not do so. I will only make this remark, that nothing can be more admirable than the generosity and benevolence of mankind. We find that men are ready to sacrifice their time, their money, their health, their ease, their most favourite occupations and pursuits, for the purpose of benefiting their neighbours. But the melancholy part of the matter is this—although men will do all this and think nothing too much to expend upon the cause they support, yet, when you come to some little matter which has crystallized itself around their minds and has become a fixed dogma or theory, they will give up all that they have sacrificed their lives to attain rather than allow it to be approached or meddled with. Do not let us act in that manner. We do not sit in this House to discuss religious questions, nor to inflame sectarian differences, but to endeavour to meet a pressing want of the people of England. This Bill for the first time—I have long watched for it, and now I see it I am glad—recognizes the undoubted duty of the Government of England to provide for the education of the people. This is a great and noble object, that might stir any man's heart within him and raise him above any smaller considerations which are apt to interfere with the performance of the noblest acts. Do not let us be turned aside from that object by small difficulties and jealousies, which, if we will only meet each other in a spirit of consideration, I am perfectly satisfied will disappear.

Mr. VERNON HARCOURT moved the adjournment of the debate.

Mr. GATHORNE HARDY asked to what day the right hon. Gentleman proposed to adjourn the debate. [*Cries of* "Go on!"]

Mr. GLADSTONE: The sentiment of the House is in favour of continuing it now; but when the Motion for adjournment is finally put, I would express a hope that the debate may be continued on Friday. It cannot be closed to-night; but I think, from the state of the business on Friday, it could be resumed on that evening.

Sir JOHN PAKINGTON said, he had abstained from making remarks on the Bill, because he was unwilling to occupy the time of the House in order to play into the hands of the section of the House who were meeting the Bill by a course which, if not irregular, was certainly unusual. He was glad to hear that the right hon. Gentleman intended to resume the debate on Friday evening; but he wished to mention that the first Notice on the Paper for that evening was that given by his hon. and gallant Friend the Member for the county of Longford (Mr. O'Reilly), respecting the dismissal of Colonel Boxer. In connection with that matter imputations had been cast upon him (Sir John Pakington) which, if well founded, would have rendered him unfit to hold Office under the Crown, and therefore he hoped the right hon. Gentleman would allow for his anxiety to have an opportunity for vindicating his character. He need not assure the right hon. Gentleman at the head of the Government that he was most anxious the present debate should be concluded; but in event of the Motion of the hon. and gallant Member for Longford being postponed in consequence of the resumption of the debate on Friday, he trusted an early day would be given for proceeding with that Motion.

Mr. O'REILLY said, it was due to the right hon. Gentleman (Sir John Pakington) that this Motion should be brought on as soon as possible; for though he was prepared to postpone it to avoid interrupting the debate, he hoped the right hon. Gentleman the First Lord of the Treasury would allow it to be brought on within a reasonable time.

Mr. GLADSTONE replied, that he sympathized with the feelings of the right hon. Baronet, and he would communicate with the hon. and gallant Member behind him (Mr. O'Reilly) with the view of appointing an early day for the Motion. It was understood that in arranging for the resumption of this debate, with the aid of hon. Gentlemen who had Motions on the Paper, there was an expectation that the debate would terminate on Friday.

MR. R. N. FOWLER, who also had a Notice of Motion on the Paper for Friday, trusted the right hon. Gentleman would see that he did not suffer by giving way for the continuance of the debate on that day.

MR. COLLINS said, he did not understand why the debate should be brought to a close on Friday. Considering how great was the importance of the subject, the right hon. Gentleman might, even at this early period of the Session, appoint a Morning Sitting for its discussion.

MR. FAWCETT said, he thought it only fair to say, as the Prime Minister seemed to assume that the debate would conclude on Friday, that he could be no party to such an understanding. The debate on the second reading of the Irish Land Bill had lasted four nights, and the unusual course had been adopted with regard to the Education Bill of moving the second reading of so important a measure late on the evening previous, at the end of a discussion on a local Irish grievance. Now, he and his hon. Friends near him felt it to be their duty to discuss, not only the Amendment which had been proposed by the hon. Member for Birmingham (Mr. Dixon), but also several portions of the Bill itself; and while he was anxious to do justice to Ireland, he was not prepared to do injustice to England.

MR. GATHORNE HARDY said, he was desirous of aiding the Government in passing the second-reading of the Bill, it having been intimated on the part of the Government that ample opportunity of discussing its provisions would be afforded on the Motion for going into Committee. It seemed to him, however, that there were some hon. Gentlemen, and among them the hon. Member for Brighton (Mr. Fawcett), who were not very anxious for the passing of this Bill. The fact was, that what they wanted, as had been stated by an hon. Gentleman opposite, was delay, and when they imagined that nobody was surrendering anything but themselves, they ought to bear in mind that there were many on the Conservative side of the House who were prepared to give up cherished feelings, which they had long entertained, in their sincere wish to settle the great and important question which was dealt with by the Bill.

MR. MORRISON said, he did not think it was fair to contend that the discussion raised by the Amendment was calculated to retard the progress of the Bill, inasmuch as it would enable the Government to ascertain more fully the feeling of the House and the country on the subject, and pave the way for dealing with questions of detail in Committee. He concurred, he might add, with his hon. Friend the Member for Brighton (Mr. Fawcett), in disclaiming any pledge or compact that the debate should terminate on Friday. He must remind the right hon. Gentleman who had just sat down, too, that the longest speech which had been delivered that evening had come from his side of the House — the speech of the noble Lord (Lord Robert Montagu).

Debate *further adjourned* till *Friday*.

CITY OF LONDON (PARISHES, &C.) BILL.

On Motion of Mr. ANDREW JOHNSTON, Bill to provide for the better arrangement of Parishes within the ancient walls of the City of London, and for the better management of the Parochial Charities and Trust Funds, *ordered* to be brought in by Mr. ANDREW JOHNSTON, Viscount SANDON, and Mr. WILLIAM HENRY SMITH.

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House adjourned at half after Twelve o'clock.

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Explanation of the Abbreviations.

In Bills, Read 1°, 2°, 3°, or 1ª, 2ª, 3ª, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st. Div.*, 2*nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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(*Sir George Jenkinson, Mr. Staveley Hill, Mr. Pell, Mr. Wren-Hoskyns*)
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Church of England—Visitation Fees
Question, Mr. Lopes; Answer, Mr. Bruce *Feb* 25, 802

Church of Ireland—General Convention of the
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Ecclesiastical Titles Act, Question, Mr. Stacpoole; Answer, Mr. Gladstone *Feb* 11, 170
Glebes and Glebe Houses (Ireland), Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *Feb* 10, 120

Church Rates (Scotland) Bill
(*Mr. M'Laren, Mr. Graham, Mr. Craufurd*)
c. Ordered; read 1° * *Feb* 9 [Bill 5]
Moved, "That the Bill be now read 2°" *Mar* 9, 1580
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Gordon*); after short debate, Question put, "That 'now,' &c.;" A. 108, N. 225; M. 117; words added; main Question, as amended, put, and agreed to; 2R. put off

Churchwardens Eligibility Bill [H.L.]
(*The Earl Beauchamp*)
l. Presented; read 1ª * *Mar* 3 (No. 28)
Bill read 2ª, after short debate *Mar* 10, 1603
Committee * *Mar* 14 (No. 35)

City of London (Parishes, &c.) Bill
(*Mr. Andrew Johnston, Viscount Sandon, Mr. William Henry Smith*)
c. Ordered * *Mar* 15

Civil Service—Unrestricted Competition
Question, Mr. Sinclair Aytoun; Answer, Mr. Gladstone *Feb* 18, 529
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Clanricarde, Marquess of
Ireland—Questions, &c.
Crimes and Outrages, Withdrawal of Notice, 1116; Notice, 1324, 1733;—Repression of, 1862, 1864
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Clarendon, Earl of (Secretary of State for Foreign Affairs)
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Clerical Disabilities Bill
(*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph*)
c. Acts considered in Committee; after short debate, Bill ordered; read 1° * *Feb* 25, 868 [Bill 49]

Cogan, Right Hon. W. H. F., *Kildare Co.*
Irish Land, 2R. 1797

Coinage Bill
(*Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Motion for Leave (*Mr. Chancellor of the Exchequer*) *Feb* 10, 152; Bill ordered, after short debate; read 1° * [Bill 13]
Bill read 2°, after short debate *Feb* 25, 861
Committee *; Report *Feb* 28
Re-comm.; Report *Mar* 10, 1726 [Bill 51]
Considered * *Mar* 11
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l. Read 1ª * (*The Marquess of Lansdowne*) *Mar* 15 (No. 36)

Coinage, International
Question, Mr. J. B. Smith; Answer, The Chancellor of the Exchequer *Mar* 7, 1371

Colebrooke, Sir T. E., *Lanarkshire, S.*
Church Rates (Scotland), 2R. 1594

Coleridge, Sir J. D., *see* Solicitor General, The

Collier, Sir R. P., *see* Attorney General, The

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Colonies
British Colonies, Observations, The Earl of Carnarvon; Reply, Earl Granville; long debate thereon *Feb* 14, 193; Correspondence respecting conference of Colonial Representatives in London presented
New South Wales — Polynesian Labourers, Question, Admiral Erskine; Answer, Mr. Monsell *Mar* 7, 1371

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Colonies—cont.

South Africa—Orange Free State, Question, Mr. Gilpin; Answer Mr. Monsell *Feb* 21, 590

Western Australia—Free Emigrants, Question, Sir James Lawrence; Answer, Mr. Monsell *Feb* 14, 241; *Mar* 4, 1239

[See titles *New Zealand—Canada Dominion*]

Commercial Treaties

Commerce, Treaties of, Question, Mr. Somerset Beaumont; Answer, The Chancellor of the Exchequer *Feb* 25, 806; Question, Mr. Somerset Beaumont; Answer, Mr. Gladstone *Feb* 28, 882

Commercial Treaty with France, 1860, Question, Mr. Newdegate; Answer, Mr. Gladstone *Feb* 11, 177

Convention with China, Question, Mr. Akroyd; Answer, Mr. Otway *Feb* 15, 330

France and Austria, Question, Mr. Newdegate; Answer, Mr. Gladstone *Feb* 15, 324

Spain and Portugal, Question, Mr. Akroyd; Answer, Mr. Otway *Feb* 17, 434

Commons and Waste Lands

Question, Mr. Vernon Harcourt; Answer, Mr. Knatchbull-Hugessen *Mar* 7, 1366

Competitive Examinations—Diplomatic and Civil Services

Amendt. on Committee of Supply *Feb* 25, To leave out from "That" and add "in the opinion of this House, the Government should, with the least delay possible, introduce a measure, the effect of which would be to apply the principle of open competition to appointments in the Civil and Diplomatic Services" (*Mr. Fawcett*), 807; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Conolly, Mr. T., *Donegal Co.*

Irish Church, 2R. 1677

Irish Land, 2R. 1843

Consular Jurisdiction—Report of International Commission

Question, Viscount Sandon; Answer, Mr. Otway *Feb* 24, 771

Contagious Diseases Act—Case of Elizabeth Holt

Question, Mr. Jacob Bright; Answer, Mr. Bruce *Mar* 10, 1628

Contagious Diseases (Animals) Act

Question, Mr. C. S. Read; Answer, Mr. W. E. Forster *Feb* 15, 331

Cook, W. H., Esq., Q.C.

Beverley Election, Question, Mr. Eykyn; Answer, Mr. Bruce *Feb* 25, 801; Questions, Mr. Eykyn, Mr. Haviland-Burke; Answers, The Attorney General *Mar* 7, 1364

County Courts—Committal of Foreman of a Jury, Question, Mr. Haviland-Burke; Answer, The Solicitor General *Mar* 1, 1002

Coote, Captain, Dismissal of, from Shrievalty of Monaghan

Moved, "That, in the opinion of this House, the conduct of the Government in the dismissal of Captain Coote from the Shrievalty of the county of Monaghan and the appointment of his successor has been unconstitutional, and calculated to impede the due performance of public duty" (*Viscount Crichton*) *Mar* 4, 1877; after long debate, Question put; A. 113, N. 193; M. 80

Corbett, Colonel E., *Shropshire, S.*

Army—Militia, Officers of, 1737

Coroners Bill

(*Mr. Goldney, Mr. Walter, Mr. Thomas Chambers, Mr. Pease*)

c. Ordered; read 1°* *Feb* 22 [Bill 42]

Read 2°* *Mar* 9

Corrance, Mr. F. S., *Suffolk, E.*

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Navy Estimates—Men and Boys, 914, 920, 938, 944, 991

County Coroners (Ireland) Bill

(*Mr. Vance, Mr. Callan*)

c. Ordered; read 1°* *Mar* 4 [Bill 64]

County Finance Administration

Question, Mr. Campbell; Answer, Mr. Knatchbull-Hugessen *Feb* 14, 245

County of London Bill

(*Mr. Buxton, Mr. Thomas Hughes*)

c. Ordered; read 1°* *Mar* 7 [Bill 67]

Courts of Justice

Plans, Question, Mr. Headlam; Answer, Mr. Ayrton *Feb* 21, 593

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Craufurd, Mr. E. H. J., *Ayr, &c.*

Annuity Tax (Edinburgh), 2R. 1107

Church Rates (Scotland), 2R. 1597

Navy—Coastguard, Res. 849

Revenue Officers, Motion for a Committee, 705

Scotland—Court of Session, 1737

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Crawford, Mr. R. W., *London*
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India—Civil Service, 772
National Debt Acts, Res. 186
Pilotage, 2R. 774

Crichton, Viscount, *Enniskillen*
Ireland—Coote, Captain, Case of, Res. 1877, 1890, 1919
Irish Land, 2R. 1463

Criminal Law
Case of the Convict Atkins, Question, Mr. Newdegate; Answer, Mr. Bruce *Feb* 25, 806; Observations, Mr. Newdegate; Reply, Mr. Bruce, 850
Convict, George Whitehead, Question, Viscount Enfield; Answer, Mr. Bruce *Feb* 25, 797
Dangerous Exhibitions, Question, Dr. Lush; Answer, Mr. Bruce *Mar* 15, 1961
Habitual Criminals Act, Question, Mr. Miller; Answer, The Lord Advocate *Mar* 4, 1236
Law of Murder, Question, Mr. Hibbert; Answer, Mr. Bruce *Mar* 10, 1627
Public Prosecutor, Appointment of, Question, Mr. Eykyn; Answer, Mr. Bruce *Feb* 18, 533

Cross, Mr. R. Assheton, *Lancashire, S.W.*
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Cubitt, Mr. G., *Surrey, W.*
Chelsea Bridge, Res. 714

Customs' Clerks
Question, Captain Grosvenor; Answer, Mr. Stansfeld *Mar* 3, 1146

Customs Department—Organization of the
Question, Mr. O'Reilly; Answer, Mr. Stansfeld *Mar* 7, 1368

Dalglish, Mr. R., *Glasgow*
Navy Estimates—Men and Boys, 990

Dalrymple, Mr. C., *Buteshire*
Annuity Tax (Edinburgh), 2R. 1104
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Dalrymple, Mr. D., *Bath*
Habitual Drunkards, Res. 1241, 1248
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Divorce Court, Proceedings in the, 994
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Dawson, Mr. R. Peel-, *Londonderry Co.*
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Dent, Mr. J. D., *Scarborough*
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Dickinson, Mr. S. S., *Stroud*
India—Bombay Military Fund, 432

Dickson, Major A. G., *Dover*
Army Estimates—Land Forces, 1221
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Dilke, Sir C. W., *Chelsea*
Elementary Education, 2R. 1953
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Supply—Grants for Civil Services, Amendt. 1954, 1957

Dillwyn, Mr. L. L., *Swansea*
Railway Travelling, 2R. Amendt. 1114
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Dimsdale, Mr. R., *Hertford*
Pollution of Rivers, 800

Diplomatic and Consular Services
Moved, That a Select Committee be appointed, "to inquire into the Constitution of the Diplomatic and Consular Services, and their maintenance on the efficient footing required by the political and commercial interests of the Country" (*Mr. Otway*) *Feb* 14, 316; after short debate, Motion agreed to; Committee nominated, after short debate; List of the Committee *Feb* 24, 795

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Diplomatic and Consular Services—cont.
Amendt. on Committee of Supply *Feb* 18, To leave out from "That," and add "in the opinion of this House, the expenditure upon the Diplomatic and Consular Services may be reduced, and it is expedient for the promotion of efficiency and economy to transfer the control of the Consular Department from the Foreign Office to the Board of Trade" (*Mr. Holms*), 533; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn
Persian Legation, The, Question, Sir Charles Wingfield; Answer, Mr. Otway *Mar* 1, 1000
[See *Competitive Examinations, Civil and Diplomatic Services*]

Diplomatic and Consular Expenditure
Question, Mr. Rylands; Answer, Mr. Otway *Feb* 22, 691

DISRAELI, Right Hon. B., *Buckinghamshire*
Ireland—Crime and Disorder, Repression of, 1874
Irish Land, 2R. 1806
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Dissolved Districts and Unions Bill
(*Mr. Goschen, Mr. Arthur Peel*)
c. Motion for Leave (*Mr. Goschen*) *Feb* 11, 191; Bill ordered; read 1°* [Bill 17]
Read 2°* *Feb* 15
Committee*; Report *Feb* 18
Considered* *Feb* 21
Read 3°* *Feb* 22
l. Read 1ª* (*The Earl of Kimberley*) *Feb* 24
Read 2ª* *Feb* 28 (No. 15)
Committee* *Mar* 3 (No 27)
Report* *Mar* 4
Read 3ª* *Mar* 7
Royal Assent *Mar* 25 [33 *Vict.* c. 2]

Divorce Court—Publication of Proceedings
Question, Captain Dawson-Damer; Answer, Mr. Bruce *Mar* 1, 994

DIXON, Mr. G., *Birmingham*
Elementary Education, Leave, 475; 2R. Amendt. 1919

DODDS, Mr. J., *Stockton*
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DODSON, Mr. J. G. (Chairman of the Committee of Ways and Means), *Sussex, E.*
Life Assurance Companies, 2R. 755
Malt Tax, Res. 1267
Provisional Orders, Leave, 316

DOWNING, Mr. M'Carthy, *Cork Co.*
Habitual Drunkards, Res. 1248
Ireland—Paupers, 796
Ireland—Coote, Captain, Case of, Res. 1917
Irish Land, 2R. 1802
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DOWSE, Mr. R. (Solicitor General for Ireland), *Londonderry Bo.*
Ireland—Bankruptcy Law, 1364
Ireland—Coote, Captain, Case of, Res. 1906
Irish Land, 2R. 1553, 1689, 1695, 1696

Drunkards, Habitual
Amendt. on Committee of Supply *Mar* 4, To leave out from "That," and add "it is desirable to legislate for the proper reception, detention, and management of Habitual Drunkards" (*Mr. Donald Dalrymple*), 1241; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Dublin Collector-General of Rates Franchise Bill (*Mr. Monk, Sir Patrick O'Brien, Mr. Pim, Sir John Gray*)
c. Ordered; read 1°* *Mar* 4 [Bill 61]

DUFF, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
East India (Laws and Regulations), 2R. 556, 567
India—Questions, &c.
  Bank of Bengal Agency at Bombay, 234
  Bombay Military Fund, 432
  Civil Service, 772
  Financial Statement, 881
  Fish Preservation, 1742
  Furlough and Retired Pay, 165
  Hamilton, Captain, Case of, 996
  Pensions, 763, 998
  Persian Gulf Telegraph, 764
  Presidency Banks, 428
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  Railways, 1237, 1735, 1744
  Recall of Indian Regiments, 881, 882
  Staff Corps, 164

DUFFERIN, Lord (Chancellor of the Duchy of Lancaster)
Irish Land—Explanation, 1857

Ealing Local Board of Health
Question, Mr. W. M. Torrens; Answer, Mr. Bruce *Mar* 10, 1625

East India (Laws and Regulations) Bill
(*Mr. Grant Duff, Mr. Adam*)
c. Ordered; read 1°* *Feb* 14 [Bill 27]
Bill read 2°, after short debate *Feb* 18, 556
Committee*; Report *Feb* 28
Considered* *Mar* 2
Read 3°* *Mar* 3
l. Read 1ª* (*The Duke of Argyll*) *Mar* 4 (No. 29)
Read 2ª* *Mar* 14

Eastwick, Mr. E. B., *Penryn, &c.*
  Diplomatic and Consular Services, Motion for a Committee, 320 ; Res. 540
  Emigration, Res. 1010
  Metropolis—Trees in the Parks, 1622
  Parliament—Address in Answer to the Speech, 108
  Persia—Postal Communication, 431

Ecclesiastical Courts Bill [H.L.]
(*The Earl of Shaftesbury*)
l. Presented ; read 1ª * *Mar* 3 (No. 26)

Ecclesiastical Titles Act
  Question, Mr. Stacpoole ; Answer, Mr. Gladstone *Feb* 11, 170

Education
  National Schools (*Ireland*) — *Salaries of Teachers*, Question, Sir Frederick W. Heygate ; Answer, Mr. Chichester Fortescue *Mar* 1, 994
  Parochial Schools (*Scotland*), Question, Dr. Lyon Playfair ; Answer, Mr. Gladstone *Feb* 28, 879
  Primary Education (*Ireland*) *Commission*, Question, Mr. Winterbotham ; Answer, Mr. Chichester Fortescue *Feb* 17, 430

Education of the Blind, &c. Bill
(*Mr. Wheelhouse, Mr. Ward Jackson, Mr. Mellor*)
c. Ordered ; read 1° * *Feb* 23 [Bill 47]

Egerton, Hon. Captain F., *Derbyshire, E.*
  Navy—"Hercules," Guns of the, 172
  Parliament—Address in Answer to the Speech, 58

Egerton, Hon. W., *Cheshire, Mid.*
  Metropolis — Serpentine, Cleansing of the, 1144

Egypt
  Report of International Commission on Consular Jurisdiction, Question, Viscount Sandon ; Answer, Mr. Otway *Feb* 24, 771

Elcho, Lord, *Haddingtonshire*
  Ireland—Ejectments, 242
  Irish Land, 2R. 1760
  Metropolis—Thames Embankment, 243
  Mines Regulation, &c. 2R. 614
  War Office, Leave, 401 ; 2R. 785

Elementary Education Bill
  Certificated Schoolmasters, Question, Mr. Assheton Cross ; Answer, Mr. W. E. Forster *Feb* 22, 690
  Educational Statistics, Question, Lord Robert Montagu ; Answer, Mr. W. E. Forster *Mar* 14, 1866
  Grants to Schools, Question, Mr. C. Dalrymple ; Answer, Mr. W. E. Forster *Feb* 24, 770
  Parochial Schoolmasters, Question, Sir Percy Burrell ; Answer, Mr. W. E. Forster *Feb* 24, 765

Elementary Education Bill
(*Mr. W. E. Forster, Mr. Secretary Bruce*)
c. Motion for Leave (*Mr. W. E. Forster*) *Feb* 17, 438 ; Bill ordered, after long debate ; read 1° * [Bill 33]
  Question, Lord Robert Montagu ; Answer, Mr. W. E. Forster *Feb* 25, 801 ; Question, Mr. Staveley Hill ; Answer, Mr. W. E Forster, 805 ; Question, Mr. Lea ; Answer, Mr. W. E. Forster *Feb* 28, 884 ; Question, Mr. Campbell ; Answer, Mr. W. E. Forster *Mar* 4, 1237 ; Question, Lord Robert Montagu ; Answer, Mr. W. E. Forster *Mar* 10, 1630 ; Question, Mr. Baines ; Answer, Mr. W. E. Forster *Mar* 14, 1873
  Moved, "That the Bill be now read 2°" *Mar* 14, 1919
  Amendt. to leave out from "That" and add "this House is of opinion that no measure for the elementary education of the people will afford a satisfactory or permanent settlement which leaves the question of religious instruction in schools supported by public funds and rates to be determined by local authorities" (*Mr. Dixon*) ; Question proposed, "That the words, &c. ;" after long debate, Debate adjourned
  Debate resumed *Mar* 15, 1963 ; after long debate, Debate further adjourned

Ellenborough, Earl of
  Judges Jurisdiction, Comm. *cl.* 1, 875

Elliot, Mr. G., *Durham, N.*
  Mines Regulation, &c. 2R. 627

Emigration
  Moved, "That, in order to arrest the increase of Pauperism, and to relieve the distressed condition of the working classes, it is expedient that measures be adopted for facilitating the Emigration of poor families to British Colonies" (*Mr. R. Torrens*) *Mar* 1, 1002 ; after long debate, Question put ; A. 48, N. 153 ; M. 105
  Emigration to Western Australia, Question, Sir James Lawrence ; Answer, Mr. Monsell *Feb* 14, 241 ; *Mar* 4, 1239

Endowed Schools Bill
  Question, Sir John Pakington ; Answer, Mr. W. E. Forster *Feb* 22, 691

Enfield, Viscount, *Middlesex*
  Army—Quartermasters of Militia, 1481
  Juries, Leave, 408
  Royal Forests, 823
  Toll-paying Bridges, 1625
  Whitehead, George, Convict, 797

Epping Forest
  Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to defend the rights of the Crown over Epping Forest, so that the Forest may be preserved as an open space for the recreation and enjoyment of the public" (*Mr. Fawcett*) *Feb* 14, 246

[*cont.*

Epping Forest—cont.
Amendt. to leave out "be graciously pleased to defend the rights of the Crown over Epping Forest, so that the," and insert "take such measures as in Her judgment She may deem most expedient in order that Epping" (*Mr. Gladstone*); Question, "That the words, &c." put, and negatived; words inserted; main Question, as amended, agreed to
HER MAJESTY'S ANSWER reported *Feb* 22, 694
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c. Motion for Leave (*The Lord Advocate*) *Feb* 24, 787; Bill ordered; read 1° * [Bill 48]

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Income Tax Assessment and Inland Revenue Law Amendment Bill
(*Mr. Stansfeld, Mr. Chancellor of the Exchequer*)
c. Ordered; read 1°* *Mar* 4 [Bill 63]
Bill read 2°, after short debate *Mar* 10, 1731
Committee*; Report *Mar* 11
Read 3°* *Mar* 14
l. Read 1ª* (*The Marquess of Lansdowne*) *Mar* 15 (No. 37)

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- *Railways*, Question, Mr. Roden; Answer, Mr. Grant Duff *Mar* 4, 1237; *Mar* 11, 1735; Question, Sir David Wedderburn; Answer, Mr. Grant Duff, 1744

Inverness County, &c. (Boundary) Bill
(*Mr. Cameron, Colonel Grant, Mr. Mackintosh*)
c. Ordered; read 1°* *Feb* 21 [Bill 38]
Read 2°,* and referred to a Select Committee *Mar* 7

IRELAND
- *Bankruptcy Law*, Question, Mr. Keown; Answer, Mr. Chichester Fortescue *Feb* 28, 879; Question, Mr. Keown; Answer, The Solicitor General for Ireland *Mar* 7, 1364
- *Constabulary*, Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *Feb* 14, 235
- *County Coroners, Powers of*, Question, Mr. Bruen; Answer, Mr. Chichester Fortescue *Mar* 10, 1622

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- *Crimes and Outrages*, Withdrawal of Notice (*The Marquess of Clanricarde*) *Mar* 3, 1116; Notice (*The Marquess of Clanricarde*) *Mar* 7, 1324
- *Government Proposals*, Question, The Marquess of Clanricarde; Answer, Earl Granville *Mar* 15, 1959
- *Repression of Crime and Disorder*, Question, The Duke of Marlborough; Answer, Earl Granville *Mar* 11, 1732; Observations, Earl Granville; short debate thereon *Mar* 14, 1860

COMMONS—
- *Repression of Crime and Disorder*, Questions, Mr. Bentinck, Lord John Manners, Colonel Stuart Knox; Answers, Mr. Gladstone *Mar* 3, 1147; Question, Mr. Disraeli; Answer, Mr. Gladstone *Mar* 14, 1874; Question, Sir Thomas Bateson; Answer, Mr. Chichester Fortescue *Mar* 15, 1960
- *Security of Life in*, Question, Lord John Manners; Answer, Mr. Gladstone *Feb* 28, 876; *Mar* 7, 1370

- *Encumbered Estates Court—Land Sales*, Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue *Mar* 4, 1239
- *Encumbered Estates Court Act, Sales under the*, Question, Mr. Wingfield Baker; Answer, Mr. Chichester Fortescue *Mar* 14, 1865
- *Fenian Convicts, Released*, Question, Sir George Jenkinson; Answer, Mr. Bruce *Feb* 22, 687
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- *Irish Militia, Embodiment of the*, Question, Mr. Stacpoole; Answer, Captain Vivian *Feb* 11, 176
- *Jury Law—Unanimity of Juries*, Question, Captain Dawson-Damer; Answer, Mr. Chichester Fortescue *Mar* 8, 1478
- *Local Taxation*, Question, Mr. Synan; Answer, Mr. Goschen *Feb* 25, 799
- *Louth Election*, Observations, Mr. O'Reilly-Dease *Mar* 4, 1290
- *Madden, Mr., Dismissal of*, Question, Mr. Haviland-Burke; Answer, Mr. Chichester Fortescue *Mar* 10, 1627
- *National Schools—Salaries of Teachers*, Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue *Mar* 1, 994
- *Party Processions Act*, Question, Mr. W. Johnston; Answer, Mr. Chichester Fortescue *Feb* 11, 173
- *Paupers, Irish*, Question, Mr. M'Carthy Downing; Answer, Mr. Chichester Fortescue *Feb* 25, 796
- *Polling Places, Extra*, Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *Mar* 10, 1630
- *Primary Education Commission*, Question, Mr. Winterbotham; Answer, Mr. Chichester Fortescue *Feb* 17, 430
- *Regium Donum*, Question, Mr. Dawson; Answer, Mr. Chichester Fortescue *Feb* 14, 241
- *Sligo and Cashel—New Writs*, Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *Mar* 4, 1241
- *Tobacco, Cultivation of*, Question, Mr. Stacpoole; Answer, The Chancellor of the Exchequer *Mar* 8, 1478
- *Trinity College, Dublin*, Question, Colonel French; Answer, Mr. Gladstone *Feb* 22, 693
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Irish Church Act (1869) Amendment Bill
(*The Lord Redesdale*)
l. Presented; read 1ª *Mar* 1, 991 (No. 23)

Irish Land Bill—Miscellaneous Questions
- *Farmers' Estate Society*, Question, Mr. Henley; Answer, Mr. Gladstone *Feb* 18, 529
- *Land Bills*, Question, Mr. Gathorne Hardy; Answer, Mr. Gladstone *Feb* 24, 768
- *Land Ejectments—Mr. Cardwell's Act*, Question, Lord Elcho; Answer, Mr. Chichester Fortescue *Feb* 14, 242; Question, Colonel Barttelot; Answer, Mr. Gladstone *Feb* 22, 687
- *Land, Occupation of—Returns from Poor Law Unions*, Question, Mr. Gathorne Hardy; Answer, Mr. Chichester Fortescue *Feb* 14, 234

Irish Land Bill (*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright*)
c. Motion for Leave (*Mr. Gladstone*) *Feb* 15, 333; Bill ordered, after long debate; read 1° [Bill 29]
Moved, "That the Bill be now read 2°" *Mar* 7, 1373
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Bryan*); Question proposed, "That 'now,' &c.;" after long debate, Debate adjourned
Debate resumed *Mar* 8, 1483; after long debate, Debate further adjourned
Question, Sir Thomas Bateson; Answer, Mr. Gladstone *Mar* 10, 1632
Debate resumed *Mar* 10, 1634; after long debate, Debate further adjourned
Debate resumed *Mar* 11, 1745; after long debate, Question put; A. 442, N. 11; M. 431
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Main Question put, and agreed to; Bill read 2°
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Jenkinson, Sir G. S., *Wiltshire, N.*
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Johnston, Mr. W., *Belfast*
Ireland—Questions, &c.
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Judges Jurisdiction Bill (*The Lord Chancellor*)
l. Presented; read 1ª, after debate, *Feb* 18, 504
Read 2ª * *Feb* 24 (No. 10)
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Read 3ª * *Mar* 3
c. Read 1° * *Mar* 4 [Bill 60]
Read 2° * *Mar* 7

Juries Bill
(*Viscount Enfield, Mr. Denman, Mr. Headlam*)
c. Motion for Leave (*Viscount Enfield*) *Feb* 16, 408; Bill ordered; read 1° * [Bill 32]

Kavanagh, Mr. A. M., *Carlow Co.*
Irish Land, 2R. 1406, 1411

Kay-Shuttleworth, Mr. U. J., *Hastings*
Elementary Education, 2R. 2016

Keown, Mr. W., *Downpatrick*
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Naturalization, Comm. *cl.* 6, 1616
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King, Hon. P. J. Locke, *Surrey, E.*
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Supply—Civil Service Estimates, 1573
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Knatchbull-Hugessen, Mr. E. H. (Under Secretary of State for the Home Department), *Sandwich*
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Knox, Hon. Colonel W. Stuart, *Dungannon*
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Ireland—Coote, Captain, Case of, Res. 1918

Laird, Mr. J., *Birkenhead*
Navy Estimates—Dockyards, &c. 1316, 1320

Lancaster, Mr. J., *Wigan*
Mines Regulation, &c. 2R. 625

Land Improvements, Loans for
Question, Mr. White; Answer, Mr. Stansfeld *Feb* 24, 765

Landlords and Tenants in England and Scotland
Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that through the instrumentality of the Poor Law Board, or such other department as may be most convenient, the same queries (with proper modifications) may be issued touching the relations of Landlords and Tenants in England and Scotland which have been issued to the Poor Law Inspectors in Ireland relating to Agricultural Improvements in Ireland, and the answers to which have been laid before both Houses of Parliament in the present Session, and that the answers to such queries so to be issued may be communicated to this House (*The Lord Oranmore and Browne*) *Mar* 10, 1619; after short debate, on Question? resolved in the negative

Land Tenure of Ireland—Foreign Countries
Moved, for Copies of all Returns recently received by Her Majesty's Government from Poor Law and other official persons in Ireland as to the tenure, occupation, and improvement of Land, and the condition of Agricultural Labourers in that country:
Address for Copies of any Reports received from Her Majesty's diplomatic servants or consuls abroad as to the tenure and occupation of Land in Foreign Countries (*Lord Cairns*) *Feb* 17, 413; Motion agreed to

Land Tenure on the Continent
Question, Mr. Whitwell; Answer, Mr. Otway *Mar* 7, 1373

LANSDOWNE, Marquess of (Lord of the Treasury)
Ireland—Rivers Shannon and Suck, Motion for a Paper, 874
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LAWRENCE, Alderman Sir J. C., *Lambeth*
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LAWRENCE, Mr. Alderman W., *London*
Epping Forest, Motion for an Address, 262
Local Taxation, Motion for a Committee, 661
Navy Estimates—Victuals and Clothing, 1296
Stamp Duty on Leases, 2R. 1464
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LAWSON, Sir W., *Carlisle*
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LEFEVRE, Mr. J. G. Shaw (Secretary to the Board of Trade), *Reading*
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Merchant Shipping, Leave, 286, 314
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Railway Construction Facilities Act Amendment, Leave, 191
Railways—Workmen's Trains, 1139
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Tramways, Leave, 1080; Comm. 1958
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LENNOX, Lord H. G. C. G., *Chichester*
Navy—Secretary's Department, Admiralty, 327
Telegraphic Statistics, 886, 893

LESLIE, Colonel C. P., *Monaghan Co.*
Ireland—Coote, Captain, Case of, Res. 1884

LEWIS, Mr. J. D., *Devonport*
Navy—Devonport Dockyard, 766
Navy Estimates—Dockyards, &c. 1303
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Licensing Amendment Bill
Question, Mr. Carter; Answer, Mr. Bruce *Feb* 21, 586

LIDDELL, Hon. H. G., *Northumberland, S.*
Ballot, Leave, 277
Parliament—Business of the House, 1632
Supply—Grants for Civil Services, 1955

Life Assurance Companies Bill
(*Mr. Stephen Cave, Sir Thomas Bazley, Mr. Russell Gurney*)
c. Ordered; read 1°* *Feb* 9 [Bill 2]
Bill read 2°, after long debate *Feb* 23, 719
Committee*—R.P. *Mar* 2

Limited Companies, Liquidation of
Question, Mr. Eykyn; Answer, The Attorney General *Mar* 7, 1369

LINDSAY, Hon. Colonel C. H., *Abingdon*
India—Recall of Indian Regiments, 881

Local Taxation
Moved, "That a Select Committee be appointed to inquire and report whether it be expedient that the charges now imposed on the occupiers of rateable property, for various local purposes, should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division" (*Mr. Goschen*) *Feb* 21, 638

[*cont.*

Local Taxation—cont.
Amendt. to leave out from "That," and add "it would be advisable to postpone the appointment of a Select Committee until the Government have announced their promised measure for dealing with the incidence of rating" (*Sir Massey Lopes*); Question proposed, "That the words &c.;" after debate, Amendt. withdrawn
Select Committee *appointed*, "to inquire and report whether it be expedient that the charges now locally imposed on the occupiers of rateable property should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division" (*Mr. Goschen*)
Instruction to the Committee, to inquire further into the proper classification of rates, with a view to determine their proper incidence upon the owners or occupiers of such rateable property (*Mr. Corrance*); List of the Committee, 669

Locke, Mr. J., *Southwark*
Attorneys and Solicitors Remuneration, 2R. 758
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Metropolis—Southwark Park, 1000
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Lopes, Mr. H. C., *Launceston*
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Lotteries, Illegal
Question, Mr. Charley; Answer, Mr. Chichester Fortescue *Mar* 14, 1869

Lowe, Right Hon. R. (see Chancellor of the Exchequer)

Lowther, Mr. W., *Westmoreland*
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Lubbock, Sir J., *Maidstone*
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Lush, Dr. J. A., *Salisbury*
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  Scientific Departments, Navy, 1301, 1303
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Annuity Tax (Edinburgh), 2R. 1105
Emigration, Res. 1031
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McLagan, Mr. P., *Linlithgowshire*
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McMahon, Mr. P., *New Ross*
Ireland—Tipperary Election—Jeremiah O'Donovan Rossa, 148
  Union Rating, 1621

Magniac, Mr. C., *St. Ives*
New Zealand, 593
Pilotage, 2R. 776
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Maguire, Mr. J. F., *Cork City*
Ireland—Tipperary Election—Jeremiah O'Donovan Rossa, 149
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Malcolm, Mr. J. W., *Boston*
Army—Retirement from the, 1631
Salmon, Unseasonable, 586
Telegraphs, Interruption of, 122

Malt Tax
Amendt. on Committee of Supply *Mar* 4, To leave out from "That," and add "it is expedient that, in lieu of the present Duties on Malt, a reduced charge should be made on the manufactured article, Beer; and it appears to this House that a Licence imposed in the same way as the commuted Hop Duty should be charged on Public Brewers, and a Licence to Brew on all Private Brewers" (*Colonel Barttelot*), 1253; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

Manners, Right Hon. Lord J. J. R., *Leicestershire, N.*
Ballot, Leave, 279
Church Rates (Scotland), 2R. 1592
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  Repression of Outrages, 1149
  Security of Life in, 1370
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Marine Mutiny Bill
(*Mr. Dodson, Mr. Childers, Mr. Stansfeld*)
c. Ordered * *Mar* 1
Read 1° * *Mar* 11
Read 2° * *Mar* 14

Marlborough, Duke of
Ireland—Crimes and Outrages, 1732
Parliament—Address in Answer to the Speech, 51

Marriage with a Deceased Wife's Sister Bill (*Mr. Thomas Chambers, Mr. Morley*)
c. Ordered; read 1° * *Feb* 10 [Bill 11]
Bill read 2°, after short debate *Feb* 16, 407
Question, Mr. Beresford Hope; Answers, Mr. T. Chambers, Mr. T. Collins *Feb* 17, 434; Question, Mr. T. Collins; Answer, Mr. T. Chambers *Feb* 18, 532

Married Women's Acknowledgments Bill
(*Mr. Dodds, Mr. Goldney*)
c. Ordered; read 1° * *Feb* 22 [Bill 43]

Married Women's Property Bill
(*Mr. Russell Gurney, Mr. Headlam, Mr. Jacob Bright*)
c. Ordered; read 1° * *Feb* 11 [Bill 16]

Married Women's Property (No. 2) Bill
(*Mr. Raikes, Mr. Staveley Hill, Mr. West*)
c. Motion for Leave (*Mr. Raikes*) *Feb* 14, 284; Bill ordered, after debate; read 1° [Bill 22]

Matthews, Mr. H., *Dungarvan*
Ireland—Tipperary Election—Jeremiah O'Donovan Rossa, 132
Telegraphic Communication between Germany and America, 693

Maxwell, Mr. W. H., *Kirkcudbrightshire*
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Medical Acts Amendment Bill
(*Sir John Gray, Mr. Graves*)
c. Ordered; read 1° * *Feb* 21 [Bill 40]

Medical Officers Superannuation Bill
(*Mr. Brady, Sir Henry Hoare, Mr. Brodrick, Mr. Clay*)
c. Ordered; read 1° * *Mar* 10 [Bill 70]

Melly, Mr. G., *Stoke-upon-Trent*
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Members of Parliament, Alleged Secret Service Money paid to
Questions, Mr. Winterbotham, Mr. Henderson; Answers, Mr. Gladstone *Mar* 11, 1742

Merchant Shipping Bill
(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Acts considered in Committee; after long debate, Bill ordered; read 1° *Feb* 14, 286 [Bill 24]

Merchant Shipping (No. 2) Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Acts considered in Committee; Bill ordered; read 1° * *Mar* 1 [Bill 55]

Metalliferous Mines Bill
(*The Lord Kinnaird*)
l. Presented; read 1ª *Feb* 17, 408 (No. 6)

Metropolis
British Museum—Collections of Natural History, Question, Mr. Cowper-Temple; Answer, Mr. Ayrton *Feb* 22, 685
Cab Regulations, Question, Mr. Bowring; Answer, Mr. Bruce *Feb* 14, 237; *Mar* 1, 1001
Free Bridges—Chelsea Bridge, Moved, "That, in the opinion of this House, the Government Bridge at Chelsea should henceforth be freed from toll" (*Mr. Peek*) *Feb* 22, 708; after short debate, Question put; A. 21, N. 162; M. 141
Question, Mr. W. H. Smith; Answer, Mr. Gladstone *Mar* 10, 1633
Highbury Barn and the Police, Question, Mr. W. M. Torrens; Answer, Mr. Bruce *Feb* 15, 326
Kingston Bridge, Question, Viscount Enfield; Answer, Sir James Lawrence *Mar* 10, 1625
Metropolitan Foreign Cattle Market, Question, Lord Robert Montagu; Answer, Mr. W. E. Forster *Feb* 9, 110; Question, Mr. Samuda; Answer, Mr. W. E. Forster *Feb* 21, 589; Question, Sir Henry Selwin-Ibbetson; Answer, Mr. W. E. Forster *Feb* 28, 895
Palace Yard, Subway to, Question, Mr. Locke King; Answer, Mr. Ayrton *Feb* 21, 588
Police, Question, Mr. Eykyn; Answer, Mr. Bruce *Mar* 14, 1872

Poor Law
Destitution in the Metropolis, Question, Mr. John Talbot; Answer, Mr. Goschen *Feb* 15, 327; Question, Mr. W. M. Torrens; Answer, Mr. A. Peel *Mar* 8, 1482
Poor Rates, Equalization of, in the Metropolis, Question, Mr. Wingfield Baker; Answer, Mr. Goschen *Feb* 25, 806
St. Pancras, Inquiry at, Question, Mr. Eykyn; Answer, Mr. Goschen *Feb* 15, 329
Westminster Union—Employment of Paupers, Question, Mr. J. G. Talbot; Answer, Mr. Goschen *Mar* 11, 1736

Public Parks
Serpentine, The, Question, Mr. Dyce Nicol; Answer, Mr. Ayrton *Feb* 14, 236; Question, Mr. Wilbraham Egerton; Answer, Mr. Ayrton *Mar* 3, 1144
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Tramways in London, Question, Mr. W. H. Smith; Answer, Mr. Shaw Lefevre *Feb* 17, 1432

Metropolitan Board of Works—The Thames Embankment
Question, Captain Grosvenor; Answer, The Chancellor of the Exchequer *Feb* 11, 176; Question, Lord Elcho; Answer, Mr. Ayrton *Feb* 14, 243

Metropolitan Corporation of London Bill (*Mr. Buxton, Mr. Thomas Hughes*)
c. Ordered; read 1° * *Mar* 7 [Bill 66]

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MILTON, Viscount, *Yorkshire, W. R.—S.*
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Mines Regulation, &c. 2R. 619
United States—Water Boundary, 1738

Mines Regulation and Inspection Bill (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
c. Motion for Leave (*Mr. Bruce*) *Feb* 10, 152; Bill ordered; read 1° * [Bill 12]
Bill read 2°, after debate *Feb* 21, 594

Mines, Regulation of
Report of the Commissioners, 1862, to be reprinted, without the evidence (*The Lord Kinnaird*) *Feb* 15, 323

Mint, The Royal
Motion for Returns (*The Lord Kinnaird*) *Feb* 17, 425; Motion amended, and agreed to
Site of the, Question, Mr. J. B. Smith; Answer, The Chancellor of the Exchequer *Mar* 10, 1626

MONCK, Viscount
Colonies, British, 223
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MONK, Mr. C. J., *Gloucester*
Navy Estimates—Dockyards, &c. 1318
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MONSELL, Right Hon. W. (Under Secretary of State for the Colonies), *Limerick Co.*
Canada—Red River Settlement, 118, 427, 532
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MORGAN, Mr. G. Osborne, *Denbighshire*
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MORRISON, Mr. W., *Plymouth*
Elementary Education, 2R. 2068

Mortgages Bill (*Mr. Dodds, Mr. Pease, Mr. Bolckow, Mr. Wren-Hoskyns*)
c. Motion for Leave (*Mr. Dodds*) *Feb* 17, 498; Bill ordered; read 1° * [Bill 35]
Bill withdrawn * *Feb* 28

Mortgages (No. 2) Bill (*Mr. Dodds, Mr. Pease, Mr. Bolckow, Mr. Wren-Hoskyns*)
c. Ordered; read 1° * *Feb* 28 [Bill 52]
Read 2° * *Mar* 9

MUNDELLA, Mr. A. J., *Sheffield*
Elementary Education, Leave, 477
Navy Estimates, Dockyards, &c. 1318
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Municipal Boroughs (Metropolis) Bill (*Mr. Buxton, Mr. Thomas Hughes*)
c. Ordered; read 1° * *Mar* 7 [Bill 65]

MUNTZ, Mr. P. H., *Birmingham*
Emigration, Res. 1039, 1062, 1063
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Munzinger, Mr., Case of
Question, Mr. Melly; Answer, Mr. Otway *Mar* 3, 1142

Mutiny Bill (*Mr. Dodson, Mr. Secretary Cardwell, The Judge Advocate*)
c. Ordered* *Mar* 4
Read 1°* *Mar* 11
Read 2°* *Mar* 14

National Debt (Consolidation and Dividends) Bill (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Acts considered in Committee; Bill ordered; read 1°* *Feb* 14 [Bill 21]

National Gallery, Enlargement of the
Question, Mr. Beresford Hope; Answer, Mr. Ayrton *Feb* 11, 171

Naturalization Bill (*The Lord Chancellor*)
l. Presented; read 1ª* *Feb* 25 (No. 18)
Bill read 2ª, after debate *Mar* 3, 1118
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Naturalization—Rights of Aliens
Observations, Mr. Hadfield; Reply, Mr. Bruce *Feb* 9, 111

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Admiralty, Secretary's Department, Question, Lord Henry Lennox; Answer, Mr. Childers *Feb* 15, 327
Admiralty Stores, Sale of, Questions, Sir John Hay, Mr. Gourley; Answers, Mr. Baxter; short debate thereon *Feb* 28, 887
Cheyne, Lieutenant, Case of, Observations, Sir John Hay; Reply, Mr. Childers; short debate thereon *Mar* 4, 1248
Coastguard, Amendt. on Committee of Supply *Feb* 25, To leave out from "That," and add "in the opinion of this House, it is inexpedient to retire young, efficient, and meritorious officers, and to replace them by others at an increased charge to the public" (*Sir John Hay*), 844; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
Coastguard Service—Returns, Question, Mr. Roden; Answer, Mr. Childers *Feb* 24, 768
Cruise of the Channel and Mediterranean Squadrons, Question, Mr. Gourley; Answer, Mr. Childers *Feb* 11, 165
Dockyards, Discharges from the, Question, Sir John Hay; Answer, Mr. Childers *Feb* 21, 587—*Discharges from Devonport Yard*, Question, Mr. J. D. Lewis; Answer, Mr. Childers *Feb* 24, 766
Estimates, Question, Sir John Hay; Answer, Mr. Childers *Mar* 4, 1241
Generals of Marines, Question, Colonel French; Answer, Mr. Childers *Feb* 17, 433
Greenwich Hospital — The "Greenwich Sixpence," Question, Mr. Ward Jackson; Answer, Mr. Shaw Lefevre *Feb* 21, 585—*Admiralty Livings*, Question, Mr. Hodgson; Answer, Mr. Childers *Mar* 14, 1873
Grounding of H.M.S. "Royal Oak" and "Prince Consort" near Port Said, Question, Sir Stafford Northcote; Answer, Mr. Childers *Feb* 24, 770
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Trinity House—Code of Buoyage, Question, Mr. Graves; Answer, Mr. Shaw Lefevre *Mar* 8, 1478
Whitworth Guns, Question, Sir John Hay; Answer, Mr. Childers *Feb* 11, 171; *Feb* 17, 429; *Feb* 21, 591; Amendt. on Committee of Supply *Mar* 3, To leave out from "That" and add "further trials of Whitworth Guns are inexpedient" (*Sir John Hay*), 1150; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

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James Earl of Southesk, created Baron Balinhard of Farnell in the county of Forfar
William Earl of Listowel, created Baron Hare of Connamore in the county of Cork of the United Kingdom
The Right Honourable Edward George Fitzalan Howard, created Baron Howard of Glossop in the county of Derby
The Right Honourable John Wilson Fitz-Patrick, created Baron Castletown of Upper Ossory in Queen's County
Thomas James Agar Robartes, esquire, created Baron Robartes of Lanhydrock and of Truro in the county of Cornwall
Fulke Southwell Greville-Nugent, esquire, created Baron Greville of Clonyn in the county of Westmeath

Sat First
Feb 8—The Earl of Derby, after the death of his Father
Lord Dynevor, after the death of his Cousin
Feb 25—The Viscount Hutchinson, after the death of his Father
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Representative Peer for Ireland (Writs and Returns)
Feb 25—The Lord Oranmore and Browne, *v.* Lord Castlemaine, deceased

Feb 8—Samuel Bishop of Winchester
Arthur Charles Bishop of Bath and Wells
Harvey Bishop of Carlisle
Frederick Bishop of Exeter
John Fielder Bishop of Oxford
George Bishop of Salisbury
Feb 10—Christopher Bishop of Lincoln

New Writs Issued
During Recess
For Chester County (Easter Division), *v.* Edward Christopher Egerton, esquire, deceased
For Tower Hamlets, *v.* Acton Smee Ayrton, esquire, First Commissioner of Works
For Hastings, *v.* Frederick North esquire, deceased
For Whitby, *v.* William Henry Gladstone, esquire, Commissioner of the Treasury
For Glasgow and Edinburgh Universities, *v.* Right Hon. James Moncreiff, Lord Justice Clerk in Scotland
For Chester City, *v.* Earl Grosvenor, now Marquess of Westminster
For King's Lynn, *v.* Lord Stanley, now Earl of Derby
For Merioneth County, *v.* David Williams, esquire, deceased
For Waterford City, *v.* John Aloysius Blake, esquire, one of the Inspectors of Irish Fisheries
For Tipperary County, *v.* Charles Moore, esquire, deceased
For Queen's County, *v.* Right Hon. John Wilson Fitz-Patrick, now Baron Castletown
For Longford County, *v.* Colonel Fulke Southwell Greville-Nugent, now Baron Greville
For Mallow, *v.* Right Hon. Edward Sullivan, Master of the Rolls in Ireland

Feb 8—*For* College of the Holy Trinity of Dublin, *v.* Anthony Lefroy, esquire, Manor of Northstead
Feb 9—*For* Southwark, *v.* Right Hon. Austen Henry Layard, Chiltern Hundreds
For Londonderry City, *v.* Richard Dowse, esquire, Solicitor General for Ireland
Feb 10—*For* Bridgnorth, *v.* Henry Whitmore, esquire, Chiltern Hundreds
Feb 14—*For* Waterford City, *v.* Sir Henry Winston Barrow, void Election
Feb 17—*For* Nottingham Town, *v.* Charles Ichabod Wright, esquire, Chiltern Hundreds
Feb 18—*For* Roxburgh County, *v.* Sir William Scott, baronet, Manor of Northstead
For Maidstone, *v.* William Lee, esquire, Chiltern Hundreds

New Members Sworn
Feb 8—Acton Smee Ayrton, esquire, *Tower Hamlets*
William Cunliffe Brooks, esquire, *Chester County (Eastern Division)*
William Henry Gladstone, esquire, *Whitby*
Hon. Reginald James Macartney Greville-Nugent, *Longford County*
Captain Hugh de Grey Seymour, *Antrim County*
Samuel Holland, esquire, *Merioneth County*
Ughtred James Kay-Shuttleworth, esquire, *Hastings*
Lord Claud John Hamilton, *King's Lynn*
Edward Strathearn Gordon, Doctor of Laws, *Glasgow and Aberdeen Universities*
Feb 15—Edmund Dease, esquire, *Queen's County*
Henry Munster, esquire, *Mallow*
Feb 17—Lieutenant Colonel Marcus Beresford, *Southwark*
Hon. David Robert Plunket, *College of the Holy Trinity of Dublin*
Feb 21—Hon. Norman Grosvenor, *Chester City*
Feb 22—William Henry Foster, esquire, *Bridgnorth*
Feb 28—Sir John Lubbock, *Maidstone*
Mar 1—Richard Dowse, esquire, *Londonderry City*
Hon. Auberon Edward William Molyneux Herbert, *Nottingham Town*
Mar 3—Denis Caulfield Heron, esquire, *Tipperary*
Mar 7—Marquess of Bowmont, *Roxburgh*
Sir John George Tollemache Sinclair, baronet, *Caithness*
Ralph Osborne, esquire, *Waterford City*

New South Wales—Polynesian Labourers
Question, Admiral Erskine; Answer, Mr. Monsell *Mar* 7, 1371

New Zealand
Question, Mr. Magniac; Answer, Mr. Monsell *Feb* 21, 593
Withdrawal of Troops, Moved, "That an humble Address be presented to Her Majesty for copy of Correspondence respecting the recall of the 18th Regiment of the Line from New Zealand" (*The Earl of Carnarvon*) *Mar* 7, 1324; after long debate, Motion agreed to

NICOL, Mr. J. C. Dyce, *Kincardineshire*
Cab Regulations, 239
Metropolis—Serpentine River, 236
Scotland—Roads, 766
Scotland—Poor Law, Motion for a Committee, 286

NORTH, Colonel J. S., *Oxfordshire*
Army Estimates—Land Forces, 1206

Northbrook, Lord (Under Secretary of State for War)
India—Indian Reliefs, 502

Northcote, Right Hon. Sir S. H., *Devonshire, N.*
Elementary Education, Leave, 496, 497
India—Financial Statement, 881
Fish Preservation, 1742
Presidency Banks, 427
Navy—Grounding of Ships near Port Said, 770
Poor Law—Pontypridd Union, 428
Salmon Fishing in Devonshire, 1868
Telegraphs and the Press, 1739

North German Confederation—Minister at Hamburg
Question, Mr. Gourley; Answer, Mr. Otway *Feb* 14, 240

Norwich Election
Commission—New Writ, Question, Mr. C. S. Read; Answer, Mr. Bruce *Mar* 10, 1629
Prosecutions for Bribery, Question, Mr. Pemberton; Answer, The Solicitor General *Feb* 24, 767

Norwood, Mr. C. M., *Kingston-upon-Hull*
Merchant Shipping, Leave, 306

O'Brien, Sir P., *King's Co.*
Army—Brevets, 885
Army Estimates—Land Forces, 1224
Chelsea Bridge, Res. 712
Irish Land, 2R. 1853

O'Donoghue, The, *Tralee*
Irish Land, 2R. 1537, 1695

Ogilvy, Sir J., *Dundee*
Scotland—Police Force, 1480

O'Loghlen, Right Hon. Sir C. M. (Judge Advocate General), *Clare Co.*
Irish Land, 2R. 1774

Oranmore and Browne, Lord
Landlords and Tenants in England and Scotland, Motion for Returns, 1619

Ordnance Maps, Sale of, in Scotland
Question, Mr. Miller; Answer, Mr. Ayrton *Mar* 3, 1139

O'Reilly, Mr. M. W., *Longford Co.*
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Otway, Mr. A. J. (Under Secretary of State for Foreign Affairs), *Chatham*
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Spain—Imprisonment of a British Sailor at Barcelona, 885
"Mary Lowell," Case of the, 1867
"Tornado," Case of the, 1147
Treaties of Commerce, 434
United States—"Alabama" Claims, The, 240
Water Boundary, 1738

Outlawries Bill
c. Read 1°* *Feb* 8

Owens College Extension Bill
l. Moved, "That the second reading be postponed till Monday" (*The Earl of Harrowby*) *Mar* 3, 1116; after short debate, second reading put off to Monday
Moved, "That the Bill be now read 2ª" *Mar* 8, 1466; after short debate, on Question? Cont. 33, Not-Cont. 6; M. 27; Bill read 2ª

Oxford—"Privileged Students"
Question, Mr. Reed; Answer, Mr. Gladstone *Mar* 11, 1734

Oyster and Mussel Fisheries Supplemental Bill
(*Mr. Shaw Lefevre, Mr. John Bright*)
c. Ordered; read 1°* *Feb* 17 [Bill 34]
Read 2°* *Feb* 21
Referred to Select Committee *Feb* 22

Pakington, Right Hon. Sir J. S., *Droitwich*
Army—Boxer, Colonel, Motion for Papers, 405
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Elementary Education, 2R. 2031
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Palmer, Mr. J. Hinde, *Lincoln City*
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Irish Land, 2R. 1663

Parker, Mr. C. S., *Perthshire*
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Parliament
LORDS—
The Session of Parliament opened by Commission *Feb* 8, 1

Her Majesty's Most Gracious Speech delivered by The Lord Chancellor *Feb* 8, 2
An Address to Her Majesty thereon moved by The Marquess of Huntly (the Motion being seconded by The Earl of Fingall), and, after long debate, agreed to, *Nemine Dissentiente Feb* 8, 7
Her Majesty's Answer to the Address reported *Feb* 14, 193

Chairman of Committees—The Lord Redesdale appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session *Feb* 8
Committee for Privileges—appointed *Feb* 8
Sub-Committee for the Journals — appointed *Feb* 8
Appeal Committee—appointed *Feb* 8

Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod—Select Committee appointed and nominated *Feb* 14, 233

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Meeting of the Parliament *Feb* 8
The Queen's Speech reported; an humble Address thereon moved by Captain Egerton (the Motion being seconded by Sir Charles W. Dilke) *Feb* 8, 58: after long debate, Motion agreed to; and a Committee appointed to draw up the said Address
Report of Address brought up, and agreed to; to be presented by Privy Councillors *Feb* 9, 111
Her Majesty's Answer to the Address reported *Feb* 14, 322

Kitchen and Refreshment Rooms (*House of Commons*)—Standing Committee appointed and nominated *Feb* 9, 114
Printing — Select Committee appointed and nominated *Feb* 11, 192
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Selection—Committee of Selection nominated; List of the Committee *Feb* 15, 406

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Privilege and Order
Committee for Privileges—appointed *Feb* 8
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Palace of Westminster
Crypt of St. Stephen's, Question, Lord Ernest Bruce; Answer, Mr. Gladstone *Feb* 14, 236

New Refreshment Rooms—Select Committee appointed, "to consider Plans for New Refreshment and Dining Rooms for both Houses of Parliament" (*Mr. Ayrton*) *Mar* 10, 1732; and, on *Mar* 11, Committee nominated; List of the Committee, 1732

Parliamentary and Municipal Elections
Select Committee appointed, "to inquire into the present modes of conducting Parliamentary and Municipal Elections, in order to provide further guarantees for their tranquillity, purity, and freedom" (*The Marquess of Hartington*) *Feb* 11, 188; List of the Committee
Expenses of Returning Officers, Amendt. on Committee of Supply *Feb* 11, To leave out from "That" and add "in the opinion of this House, all charges and expenses of Returning Officers should be so regulated by Law that the same shall not be at the discretion of the Returning Officer" (*Mr. Serjeant Simon*), 178; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
Faggot Votes (*Scotland*), Question, Mr. Craufurd; Answer, The Lord Advocate *Feb* 25, 797
Parliamentary and Municipal Franchise (*Ireland*), Question, Mr. W. Johnston; Answer, Mr. Chichester Fortescue *Feb* 15, 331
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Polling Places, Extra, (*Ireland*), Question, Mr. Stacpoole; Answer, Mr. Chichester Fortescue *Mar* 10, 1630
Prosecutions, Fees on Election, Question, Colonel Stuart Knox; Answer, The Attorney General *Mar* 3, 1142
Prosecutions for Bribery—Bridgwater, Beverley, Norwich, Question, Mr. Pemberton; Answer, The Solicitor General *Feb* 24, 767
Registration of Voters, Question, Mr. Vernon Harcourt; Answer, Mr. Bruce *Feb* 14, 240

Parry, Mr. T. L. D. Jones-, *Carnarvonshire*
Army—Retired Field Officers of Militia, 1368

Party Processions (Ireland) Bill
(*Mr. William Johnston, Viscount Crichton, Captain Archdall*)
c. Ordered; read 1°* *Feb* 14 [Bill 26]

Patten, Right Hon. Colonel J. W., *Lancashire, N.*
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Pease, Mr. J. W., *Durham, S.*
- Mines, Rating of, 427
- Mines, Regulation, &c. 2R. 620
- Navy Estimates—Men and Boys, 990
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Peek, Mr. H. W., *Surrey, Mid.*
- Chelsea Bridge, Res. 708, 718

Peel, Mr. A. W. (Secretary to the Poor Law Commissioners), *Warwick Bo.*
- Emigration, Res. 1044
- Metropolis—Destitution in the, 1484

Pell, Mr. A., *Leicestershire, S.*
- Irish Land, 2R. 1658
- Local Taxation, Motion for a Committee, 664
- Telegraphic Communication between Germany and America, 693

Pemberton, Mr. E. L., *Kent, E.*
- Bribery, Prosecutions for, 767
- Bridgwater Election, 803; Motion for Adjournment, 805

Penzance, Lord
- Naturalization, Comm. *cl.* 5, 1611; *cl.* 6, Amendt. 1615; *cl.* 8, 1617, 1618

Persia—The Legation
- Question, Sir Charles Wingfield; Answer, Mr. Otway *Mar* 1, 1000

Petty Customs (Scotland) Abolition Bill
(*Mr. Bouverie, Mr. Kinnaird*)
- c. Ordered * *Mar* 11
- Read 1° * *Mar* 15 [Bill 72]

Pilotage Bill
(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld*)
- c. Acts considered in Committee; Bill ordered; read 1° * *Feb* 14 [Bill 25]
- Bill read 2°, after short debate *Feb* 24, 772
- Moved, "That the Bill be referred to a Select Committee;" after further short debate, Bill committed to a Select Committee; List of the Committee, 779

Pim, Mr. J., *Dublin City*
- Irish Land, 2R. 1413

Playfair, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
- Hygienic Services of the State, 324
- Mines Regulation, &c. 2R. 608
- Scotland—Education, 879

Plimsoll, Mr. S., *Derby Bo.*
- Railway Travelling, 2R. 1112

Police Superannuation Bill
- Question, Mr. Bolckow; Answer, Mr. Bruce *Feb* 15, 329

Pollard-Urquhart, Mr. W., *Westmeath Co.*
- Supply—Grants for Civil Services, 1954

Poor Law
- *Destitution in the Metropolis*, Question, Mr. John Talbot; Answer, Mr. Goschen *Feb* 15, 327; Question, Mr. W. M. Torrens; Answer, Mr. A. Peel *Mar* 8, 1482
- *Irish Paupers*, Question, Mr. M'Carthy Downing; Answer, Mr. Chichester Fortescue *Feb* 25, 796
- *Pauperism and the Poor Laws*, Observations, Mr. Corrance *Feb* 9, 112
- *Pontypridd Union*, Question, Sir Stafford Northcote; Answer, Mr. Goschen *Feb* 17, 428
- *Poor Rates, Equalization of, in the Metropolis*, Question, Mr. Wingfield Baker; Answer, Mr. Goschen *Feb* 25, 806
- *Rating of Mines*, Question, Mr. Pease; Answer, Mr. Goschen *Feb* 17, 427
- *St. Pancras, Inquiry at*, Question, Mr. Eykyn; Answer, Mr. Goschen *Feb* 15, 329
- *Union Rating* (*Ireland*), Question, Mr. M'Mahon; Answer, Mr. Chichester Fortescue *Mar* 10, 1621
- *Westminster Union—Employment of Paupers*, Question, Mr. J. G. Talbot; Answer, Mr. Goschen *Mar* 11, 1736
- *Workhouse Relief*, Question, Observations, Mr. Fielden; Reply, Mr. Goschen *Feb* 25, 826

Poor Law (*Scotland*)
- Moved, That a Select Committee be appointed, "to inquire into the operation of the Poor Law in Scotland, and whether any and what amendments should be made therein" (*Mr. Craufurd*) *Feb* 14, 286; after short debate, Motion agreed to; List of the Committee, 286

Poor Relief (Metropolis) Bill
(*Mr. Goschen, Mr. Arthur Peel*)
- c. Motion for Leave (*Mr. Goschen*) *Feb* 18, 567; Bill ordered, after short debate; read 1° [Bill 36]

Post Office
- *Communication with India and the Colonies*, Question, Mr. Hadfield; Answer, The Marquess of Hartington *Feb* 11, 169
- *France—The Postal Treaty*, Question, Sir Charles Adderley; Answer, The Marquess of Hartington *Feb* 28, 878
- *Grantham Mail Bags*, Question, Lord John Manners; Answer, The Marquess of Hartington *Mar* 8, 1480
- *India—Persian Gulf Telegraph*, Question, Mr. Gregory; Answer, Mr. Grant Duff *Feb* 24, 764
- *Persia, Postal Communication with*, Question, Mr. Eastwick; Answer, Mr. Otway *Feb* 17, 431
- *Telegraph Communication between Germany and America*, Questions, Mr. Matthews, Mr. Pell; Answers, The Marquess of Hartington *Feb* 22, 693

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Post Office—*cont.*

Telegraphic Messages, Question, Mr. Raikes; Answer, The Marquess of Hartington *Feb* 28, 886
Telegraphic Statistics, Question, Lord Henry Lennox; Answer, The Marquess of Hartington *Feb* 28, 886
Telegraphs, Questions, Lord Claud John Hamilton, Mr. Lea; Answers, The Marquess of Hartington *Mar* 6, 1240
Telegraphs and the Press, Question, Sir Stafford Northcote; Answer, The Marquess of Hartington *Mar* 11, 1739
Telegraphs—Employment of Soldiers, Question, Mr. Hanbury Tracy; Answer, Captain Vivian *Feb* 18, 530
Telegraphs, Interruption of, Questions, Mr. Baines, Mr. Malcolm; Answers, The Marquess of Hartington *Feb* 9, 121; Question, Mr. Baines; Answer, The Marquess of Hartington *Feb* 17, 436
Telegraphs, Mediterranean, Question, Mr. Eykyn; Answer, The Chancellor of the Exchequer *Mar* 4, 1238

Potter, Mr. E., *Carlisle*
Print Works Act, 235
Workshops Regulation Act, 235

Price, Mr. W. E., *Tewkesbury*
Navy—Medals for Japan, 1479

Print Works Act, &c.
Question, Mr. E. Potter; Answer, Mr. Bruce *Feb* 14, 235

Prisons and Prison Ministers' Acts
Moved, That a Select Committee be appointed "to inquire into the operation of the Prisons Act and Prison Ministers' Act, so far as respects the religious instruction provided for prisoners other than those belonging to the Established Church" (*Mr. Maguire*) *Mar* 1, 1077; after short debate, Question put; A. 80, N. 24; M. 56; List of the Committee, 1080

Provisional Orders Bills (Committees) Bill (*Mr. Dodson, Colonel Wilson Patten*)
c. Motion for Leave (*Mr. Dodson*) *Feb* 14, 316; Bill ordered; read 1° * [Bill 19]
Read 2° * *Feb* 16
Committee *; Report *Feb* 17
Read 3° * *Feb* 18
l. Read 1ª * (*The Lord Redesdale*) *Feb* 21
Read 2ª * *Feb* 24 (No. 11)
Read 3ª * *Feb* 28
Royal Assent *Mar* 25 [33 *Vict.* c. 1]

Public Carriage Horses—Veterinary Inspection
Question, Sir Henry Hoare; Answer, Mr. Bruce *Mar* 7, 1580

Public Health Commission—Hygienic Services of the State
Question, Dr. Lyon Playfair; Answer, Sir Charles Adderley *Feb* 15, 324
[See *Contagious Diseases*]

Public Prosecutors Bill (*Mr. Eykyn, Mr. Vernon Harcourt, Mr. Rathbone, Viscount Sandon*)
c. Ordered; read 1° * *Feb* 22 [Bill 45]

Public Schools, Statutes of the
Question, Mr. H. B. Samuelson; Answer, Mr. Gladstone *Mar* 3, 1143

Queen's Bench, Court of—The Vacant Judgeship
Question, Mr. Staveley Hill; Answer, Mr. Gladstone *Feb* 14, 245

Raikes, Mr. H. C., *Chester*
Army—Medical Regulations, 1372
Married Women's Property (No. 2), Leave, 284
Telegraphic Messages, 886

Railway Construction Facilities Act (1864) Amendment Bill (*Mr. Whalley, Mr. M'Mahon*)
c. Motion for Leave (*Mr. Whalley*) *Feb* 11, 191; Bill ordered, after short debate; read 1° [Bill 18]

Railway Travelling Bill (*Mr. Plimsoll, Mr. Alderman Carter, Mr. Richard Shaw, Mr. Rylands, Mr. Candlish*)
c. Ordered; read 1° * *Feb* 18 [Bill 37]
Moved, "That the Bill be now read 2°" *Mar* 2, 1112
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Dillwyn*); after short debate, Question put, "That 'now,' &c.;" A. 76, N. 108; M. 32; words added; main Question, as amended, put, and agreed to; Bill put off for six months

Railways—Workmen's Trains
Question, Mr. Reed; Answer, Mr. Shaw Lefevre *Mar* 3, 1138

Rathbone, Mr. W., *Liverpool*
Attorneys and Solicitors Remuneration, 2R. 756
Local Taxation, Motion for a Committee, 655
Pilotage, 2R. 776

Read, Mr. Clare S., *Norfolk, E.*
Irish Land, 2R. 1532
Malt Tax, Res. 1260
Norwich Election Commission, 1629
Royal Forests, 818

Redesdale, Lord (Chairman of Committees)
Ireland—Crimes and Disorders, Repression of, 1862
Irish Church Act (1869) Amendment, 1R. 991
Judges Jurisdiction, 1R. 526
Opposed Private Bills, Committee of Selection, 412
Owens College Extension, 2R. 1117, 1468, 1471, 1475, 1476
Parliament—Public Business, 423
Street Tramways, 114

Red River Settlement
Question, Sir Harry Verney; Answer, Mr. Monsell *Feb* 10, 118; Question, Mr. Gourley; Answer, Mr. Monsell *Feb* 17, 427; Question, Mr. Monsell; Answer, Mr. R. N. Fowler *Feb* 18, 532

REED, Mr. C., *Hackney*
Oxford—Privileged Students at, 1734
Railways—Workmen's Trains, 1138

Registration of Voters Bill
(*Mr. Dodds, Lord Eustace Cecil, Mr. Pease, Mr. Andrew Johnston*)
c. Ordered; read 1°* *Mar* 1 [Bill 53]

Representation of the People Acts Amendment Bill (*Mr. Hardcastle, Mr. Vernon Harcourt, Mr. Thomas Potter*)
c. Motion for Leave (*Mr. Hardcastle*) *Feb* 14, 267; Bill ordered, after short debate
Read 1°* *Feb* 15 [Bill 28]

Revenue Officers—Electoral Disabilities
Moved, "That a Select Committee be appointed to inquire and report as to electoral restraints and disabilities affecting the Civil Servants of the Crown in the several branches of the Revenue Department, and to consider the expediency of removing them in certain cases" (*Mr. Monk*) *Feb* 22, 697; after short debate, Motion withdrawn

RICHMOND, Duke of
Ireland—Crimes and Disorders, Repression of, 1861

RIDLEY, Mr. M. W., *Northumberland, N.*
Herring Fisheries, 1141

Rivers, Pollution of
Commission, Question, Mr. J. Howard; Answer, Mr. Bruce *Mar* 1, 999
Legislation, Question, Mr. Dimsdale; Answer, Mr. Bruce *Feb* 25, 800

RODEN, Mr. W. S., *Stoke-on-Trent*
Army—Volunteers, 684
India—Railways, 1237, 1735
Mines Regulation, &c. 2R. 632
Navy—Coastguard Service, 768
Navy Estimates—Dockyards, &c. 1306

ROMILLY, Lord
Judges Jurisdiction, 1R. 525
Owens College Extension, 2R. 1473

Royal Forests
Observations, Mr. Goldney; Reply, Mr. Stansfeld; short debate thereon *Feb* 25, 815

RYLANDS, Mr. P., *Warrington*
Diplomatic and Consular Services, Motion for a Committee, 316, 691
Foreign Office Agencies, 1139
Supply—Civil Service Estimates, 1571, 1576
  Grants for Civil Services, 1956
  Miscellaneous Expenses, 1579

St. Juan, Island of
Question, Viscount Milton; Answer, Mr. Otway *Mar* 4, 1238

ST. LAWRENCE, Viscount, *Galway Bo.*
Irish Land, 2R. 1675

Sale of Liquors on Sunday Bill
(*Mr. Rylands, Mr. Candlish, Mr. Birley, Mr. Osborne Morgan*)
c. Ordered; read 1°* *Mar* 1 [Bill 57]

SALISBURY, Marquess of
Ireland—Crimes and Disorders, Repression of, 1862
Parliament—Public Business, 415

Salmon Fisheries
Select Committee *appointed*, "to inquire into the present state of the Laws affecting the Salmon Fisheries of England and Wales, and to report whether any and what amendments are required therein" (*Mr. Dodds*) *Feb* 17, 499; List of the Committee
Salmon Fishery in Devonshire — Taw and Torridge Fishery District, Question, Sir Stafford Northcote; Answer, Mr. Bruce *Mar* 14, 1868
Unseasonable Salmon, Question, Mr. Malcolm; Answer, Mr. Bruce *Feb* 21, 586

SALOMONS, Alderman Sir D., *Greenwich*
National Debt Acts, Res. 187

SAMUDA, Mr. J. D'A., *Tower Hamlets*
Epping Forest, Motion for an Address, 257
Foreign Cattle, Market for, 589
Navy Estimates—Dockyards, &c. 1311, 1315
  Men and Boys, 974
  Scientific Departments, Navy, 1301

SAMUELSON, Mr. B., *Banbury*
Factories Acts, 997
South Kensington Museum, 1363

SAMUELSON, Mr. H. B., *Cheltenham*
Elementary Education, 2R. 2003
Irish Land, 2R. 1528
Public Schools, Statutes of the, 1143

SANDON, Viscount, *Liverpool*
Consular Jurisdiction, 771
Elementary Education, Leave, 480
Stamps upon Leases, 839

Savings Banks Bill
(*Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Motion for Leave (*Mr. Chancellor of the Exchequer*) *Feb* 11, 189; Bill ordered; read 1°* [Bill 15]
Question, Mr. Assheton Cross; Answer, The Chancellor of the Exchequer *Feb* 18, 532; *Mar* 10, 1630

Savings Banks Securities
Question, Mr. Scourfield; Answer, The Chancellor of the Exchequer *Feb* 18, 531

SCLATER-BOOTH, Mr. G., *Hampshire, N.*
Ballot, Leave, 280
Elementary Education, 2R. 1953
Income Tax Assessment, &c. 2R. 1731
National Debt Acts, Res. 186
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Grants for Civil Services, 1955
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Scotland
Court of Session, Question, Mr. Craufurd ; Answer, Mr. Gladstone *Mar* 11, 1737
Education—Parochial Schools, Question, Dr. Lyon Playfair ; Answer, Mr. Gladstone *Feb* 28, 879
Faggot Votes, Question, Mr. Craufurd ; Answer, The Lord Advocate *Feb* 25, 797
Police Force — Superannuation Allowances, Question, Sir John Ogilvy ; Answer, Mr. Bruce *Mar* 8, 1480
Public Offices Commission (Scotland), Question, Mr. Finnie ; Answer, Mr. Gladstone *Feb* 17, 431
Roads Bill (Scotland), Question, Mr. Dyce Nicol ; Answer, The Lord Advocate *Feb* 24, 766
Sheriffs, Question, Mr. Miller ; Answer, Mr. Bruce *Mar* 15, 1961
Wick and Anstruther Harbours, Question, Sir Robert Anstruther ; Answer, Mr. Shaw Lefevre *Feb* 21, 587
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SCOURFIELD, Mr. J. H., *Pembrokeshire*
Local Taxation, Motion for a Committee, 654
Parliament—Address in Answer to the Speech, 109
Representation of the People Acts Amendment, Leave, 267
Savings Banks Securities, 531

Select Vestries
l. Bill, pro formâ, read 1ª **Feb* 8

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Cattle Market, Foreign, 895

Servia, Affairs of
Question, Mr. W. H. Gregory ; Answer, Mr. Otway *Feb* 17, 429

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(*Mr. Osborne Morgan, Mr. Bouverie, Mr. Hinde Palmer, Mr. Henry Richard*)
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(*Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Motion for Leave (*Mr. Chancellor of the Exchequer*) *Mar* 3, 1234; Bill ordered; read 1° * [Bill 59]
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(*Mr. Henry B. Sheridan, Dr. Lush*)
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(*Mr. Cowper-Temple, Mr. Buxton*)
c. Motion for Leave (*Mr. Cowper-Temple*) *Feb* 22 707; Bill ordered; read 1° * [Bill 41]

Summary Convictions Bill
(*Mr. Denman, Mr. Cross, Mr. Hibbert*)
c. Ordered; read 1° * *Feb* 25 [Bill 50]

Sunday Trading Bill [H.L.]
(*The Lord Chelmsford*)
l. Presented; read 1ª * *Feb* 14 (No. 5)
Bill read 2ª, after short debate *Feb* 22, 670
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Read 3ª *Mar* 3, 1137
Amendt. moved, to insert new clause (*The Earl of Abingdon*); after short debate, resolved in the negative; Bill passed
c. Read 1° * *Mar* 8 [Bill 68]

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Queen's Speech considered; Motion, "That a Supply be granted to Her Majesty" *Feb* 10; Committee thereupon To-morrow
Committee on Motion, "That a Supply be granted to Her Majesty;" Queen's Speech referred; Resolved, "That a Supply be granted to Her Majesty" *Feb* 14; Resolution reported, and agreed to
[*cont.*

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  Considered in Committee *Feb* 28, 896—Navy Estimates—Resolutions reported *Mar* 1
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  Considered in Committee *Mar* 8, 1570—Supplementary Estimate—Civil Services—Inland Revenue—Post Office Packet Service—Resolutions reported *Mar* 9
  Considered in Committee *Mar* 14, 1953—Excesses Civil Service Estimates—Inland Revenue Department—Post Office Packet Service — Resolutions reported *Mar* 15

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Tea, Adulterated
  Question, Mr. Stapleton; Answer, Mr. Shaw Lefevre *Mar* 11, 1735

Tipperary Election—Jeremiah O'Donovan Rossa
  Copy of the Record of the Conviction and of the Judgment in the case of the Queen against Jeremiah O'Donovan Rossa, at Dublin, 27th November, 1865, read
  Moved, "That Jeremiah O'Donovan Rossa, returned as Knight of the Shire for the County of Tipperary, having been adjudged guilty of felony, and sentenced to penal servitude for life, and being now imprisoned under such sentence, has become and continues incapable of being elected or returned as a Member of this House" (*Mr. Gladstone*) *Feb* 10, 122
  Amendt. to leave out from "That," and add "a Committee be appointed to examine into the precedents and the law of Parliament in this case, and report to the House on the steps that ought to be taken under such circumstances" (*Mr. Moore*), 127; after debate, Question put, "That the words, &c.;" A. 301, N. 8; M. 293; main Question put, and agreed to

[*cont.*

Tipperary Election—Jeremiah O'Donovan Rossa—cont.
  Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, in Ireland, to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Tipperary, in the room of Jeremiah O'Donovan Rossa, adjudged and sentenced to penal servitude for life, and being now imprisoned under such sentence
  Alleged Corporal Punishment of, Question, Captain White; Answer, Mr. Bruce *Feb* 18, 533

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  Question, Mr. T. Hughes; Answer, Mr. Bruce *Feb* 24, 767

Tramways Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld, Mr. Ayrton*)
c. Motion for Leave (*Mr. Shaw Lefevre*) *Mar* 1, 1080; Bill ordered, after short debate; read 1° [Bill 54]
  Read 2° *, and referred to a Select Committee *Mar* 7
  Moved, "That the Select Committee do consist of nine Members" (*Mr. Shaw Lefevre*) *Mar* 14, 1958; after short debate, Committee nominated; List of the Committee

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Turkey
  Report of International Commission on Consular Jurisdiction, Question, Viscount Sandon; Answer, Mr. Otway *Feb* 24, 771

Turnpike Accounts
  Question, Mr. Hardcastle; Answer, Mr. Knatchbull-Hugessen *Feb* 18, 530

Turnpike Tolls
  Question, Mr. Whalley; Answer, Mr. Knatchbull-Hugessen *Feb* 11, 174
  Amendt. on Committee of Supply *Feb* 18, To leave out from "That" and add "there be laid before this House, a Copy of any Correspondence or other Documents explanatory of the necessity for the annual Turn-

[*cont.*

Turnpike Tolls—cont.
pike Acts Continuance Bill, either generally as to all expired Turnpike Acts, or specially as to those relating to the Wrexham district" (*Mr. Whalley*), 551; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Turnpikes, Abolition of
Question, Sir George Jenkinson; Answer, Mr. Knatchbull-Hugessen *Feb* 21, 592

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"*Alabama*" *Claims, The*, Question, Mr. Gourley; Answer, Mr. Otway *Feb* 14, 240
St. Juan, Island of, Question, Viscount Milton; Answer, Mr. Otway *Mar* 4, 1238
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"*Privileged Students*" *at Oxford*, Question, Mr. Reed; Answer, Mr. Gladstone *Mar* 11, 1734
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Wages Arrestment Abolition (Scotland) Bill (*Mr. Anderson, Mr. Gordon, Mr. Miller, Mr. Armitstead*)
c. Ordered; read 1°* *Mar* 9 [Bill 69]

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(*Mr. Cardwell, Captain Vivian*)
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c. Motion for Leave (*Mr. Jacob Bright*) *Feb* 16, 407; Bill ordered; read 1° * [Bill 31]

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